

TOWN OF LYSANDER  
PLANNING BOARD MEETING  
8220 LOOP ROAD  
BALDWINSVILLE, NY 13027

The Regular meeting of the Town of Lysander Planning Board meeting was held at 7:00 p.m. Thursday, May 9, 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; Doug Beachel

MEMBERS ABSENT: Keith Ewald

OTHERS PRESENT: Tim Frateschi, Esq; Jim Phelps; Dan Pollock; Christian Hill; Jeanie Kenyon; Bill McPartland; Doug Reith, CNY Land Surveying; Jason Miller; Rebecka Miller; Steve Sehnert, Applied Earth Technologies; Mark Harrison, Belgium-Cold Springs Fire Department; Karen Rice, Clerk

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

I. PUBLIC HEARING -- None Scheduled

II. APPROVAL OF MINUTES

Review and approval of the March 14, 2019 and April 15, 2019 Planning Board meeting minutes.

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

RESOLVED that the minutes of the March 14, 2019 and April 15, 2019 Planning Board meeting minutes be approved as submitted.

6 Ayes -- 0 Noes

III. OLD BUSINESS

1. Controlled Site Use	High Country Storage
Case No. 2019—002	2079 Church Road

Christian Hill, Napierala Consulting, represented the applicant, stating that they have addressed all concerns brought up by the Board and Town Engineering with a response letter dated April 29, 2019 being provided along with the amended Site Plan:

Attached for your review is a revised set of site plans and a revised project SWPPP for the proposed High Country Self Storage Facility in the Town of Lysander. Below are responses to the site plan review comments dated April 9, 2019:

- 1) *The limits of clearing will need to be shown on the plan.*  
The limit of disturbance is now shown on the grading plan, Sheet C-5.
- 2) *The elevations shown for outlet structures #1 and #2 do not match the elevations shown in the SWPPP and HydroCAD model for the project.*  
The outlet structure detail has been revised to match the SWPPP And the HydroCAD model.
- 3) *The project applicant will need to appear before the planning board for site plan approval of Phase 2 prior to starting construction if you move forward with the plan as shown and do not include the final grading for Phase 2.*  
Acknowledged, a Phase 2 site plan is required.
- 4) *Underdrains for all bioretention areas will be required per the NYS Stormwater Design Manual requirements.*  
Underdrains are now shown on the grading plan.

- 5) *Temporary sediment basins will need to be sized and shown on the plan and will need to remain in place until the bioretention areas on the site can be constructed.*  
Sediment traps have been sized and included on the grading plan and in the SWPPP. A detail for the stone outlet sediment trap is shown on Sheet C-13.
- 6) *Approval of the septic system design by the Onondaga County Health Department will be required before the project can receive site plan approval.*  
The plans have been approved by the Onondaga County Department of Health, the approval letter is included in this submittal. See the septic plan on Sheet C-7.
- 7) *The perc test data for the septic system design indicates that infiltration basins may be possible on this site which could significantly reduce construction costs compared to bioretention area construction.*  
Deep-hole tests were performed on-site in order to assess the feasibility of implementing infiltration basins in place of bioretention areas. It was determined that due to areas with high bedrock refusal and groundwater elevations, infiltration will not be an acceptable stormwater management practice as per the NYSDEC Stormwater Design Manual.
- 8) *The bioretention area sections will need to depict the required underdrain.*  
The bioretention area details now shown a perforated underdrain.
- 9) *Any deficiencies noted in the attached Stormwater Prevention Plan Review Checklist will need to be addressed. (This includes: 1) limits of clearing, 2) topsoil stockpile locations, 3) sediment basins and sizing, 4) pretreatments and sizing calculations).*  
The deficiencies on the review checklist have been addressed accordingly.
- 10) *The areas used for the CN calculations do not match the post construction areas shown on figure PR.*  
The areas for the CN calculations have been modified accordingly.
- 11) *Pre-treatment calculations for the bioretention areas will need to be provided.*  
Pre-treatment calculations are not included in Section III.G of the SWPPP.
- 12) *Please include the Town Engineer in the pre-construction meeting called for in the Sequence of Major Activities.*  
Acknowledged, the Town Engineer will be included.
- 13) *Please include the sample stormwater maintenance agreement between the Town and the owners that is attached to this letter in the Operation Maintenance and Inspection Procedures and in Appendix D.*  
The sample agreement is now included in Appendix D of the SWPPP.
- 14) *The peak flow from the post construction 100 year storm event shown in the Summary for Reach 1 R: Outlet does not match the total of the peak flow for the 100 year storm event from the 3 contributing drainage areas.*  
The peak flow at Reach 1 does not equal the summation of the peak flows from the individual subcatchments because of the time factor. The individual subcatchments have different times of concentration and therefore occur at different times. In order to calculate the peak flow at the design point, the hydrograph for each subcatchment must be added together, not the individual peak flows.
- 15) *The eastern detention basin will need to be reconfigured to prevent the 100 year storm event from overtopping the emergency spillway.*  
The detention basin has been revised to stay below the emergency spillway during the 100-year event.
- 16) *The justification summary of why the site does not meet the 100% reduction of the WQv in question 39 of the NOI will need to be provided.*  
This has been added to question 39 in the NOI.

There is a letter on file from Al Yager, Town Engineer, dated May 9, 2019 that will be made part of the public record, in part:

I have reviewed the revised Phase I Site Plan & Stormwater Pollution Prevention Plan (SWPPP) prepared by Napierala Consulting with a final revision date of April 30, 2019 for the High Country Self Storage project. At this time it appears that the revised site plan & SWPPP are in compliance with all Town of Lysander and NYS DEC Stormwater requirements. It should be noted that this review is only for Phase 1 of the project and additional site plan review will be

required when the developer is ready to move forward with Phase 2 of the project. At this time I would not be opposed to the Planning Board approving the revised site plan for Phase I of the project as submitted.

The application was forwarded to the Onondaga County Planning Board for their review and recommendation and 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:

1. The Onondaga County Health Department's Bureau of Public Health Engineering must formally accept or approve, respectively, any existing or proposed septic system to service this property prior to Town approval of the site plan. Any modifications required by the Department must be reflected on the project plans prior to municipal approval.
2. The Onondaga County Department of Transportation has determined that the municipality and applicant must contact the Department to discuss any required traffic data for the proposed project. Any modifications required by the Department must be reflected on the project plans prior to municipal approval.
3. The municipality must submit copies of the Stormwater Pollution Prevention Plan (SWPPP) and/or any drainage reports or studies to the Onondaga County and New York State Departments of Transportation. Any mitigation as may be determined by the Departments must be reflected on the project plans prior to municipal approval. Additional stormwater runoff into the county's and/or state's right-of-way or drainage system will be prohibited.
4. The applicant must submit lighting plans to the Onondaga County and New York state Departments of Transportation and reflect any mitigation as may be determined by the Departments on the project plans prior to municipal approval. No glare or spillover onto adjacent properties or the county's and/or state's right-of-way will be permitted.

The Board also offers the following comments:

1. Per the Onondaga County Department of Transportation, access gates must be located at least 50 feet from the shoulder of the road. The Town and applicant are advised that any alterations to the site plan that may impact the location of the access gate as currently shown must be reviewed by the Department prior to municipal approval.
2. The New York State Department of Transportation requests a copy of any traffic data provided to the Onondaga County Department of Transportation.

Steve Darcangelo questioned signage.

Mr. Hill stated that they are proposing a placard monument that will meet all of the requirements of the Town per the building permit process.

Bill Lester questioned screening.

Mr. Hill stated that screening has been addressed on the Landscaping Plan provided.

**RESOLUTION #2** Motion by Corey, Second by Lester

RESOLVED, that having reviewed a site plan as defined on a map dated March 1, 2019, revised April 30, 2019, Project No. 19-1775, which includes; Title Sheet C-1, General Notes C-2, Survey/Existing Conditions (By Others) C-3, Overall Layout Plan C-4, Phase 1 Layout Plan C-4.1, Grading and erosion Control Plan C-5, Utility Plan C-6, Septic Plan C-7, Landscaping Plan C-8, Lighting Plan C-9 and Site Details C-10 through C-13, prepared by Napierala Consulting, Professional Engineers, associated with the application of Dan Pollock, High Country Self-Storage, 2079 Church Road, Baldwinsville, New York, for a Controlled Site Use Permit for a self-storage facility, Phase 1 of the site plan is hereby approved.

6 Ayes -- 0 Noes

Mr. Hill and Mr. Pollock thanked the Board for their time.

IV. NEW BUSINESS

1. Minor Subdivision  
Case No. 2019—003

Phelps, James  
8825 Dinglehole Road

James Phelps, on behalf of Ralph and Jeanette Phelps stated that they'd like to subdivide a residence, out-buildings and 2.12 acres of land on Dinglehole road from approximately 21 acres.

In reviewing the plans the remnant piece of approximately 19 acres would be landlocked.

Mr. Phelps stated they want to sell the house and keep the remaining lands until such time that's it's transferred into his name and added to his adjacent property. The priority was to subdivide the land and get the house sold before conveying the remnant piece to his.

It was determined that the proposed boundary line would have to be removed. The Board cannot approve a landlocked parcel, whether it's in your name or not as owner of the adjacent property.

There was some discussion with regard to the triangular piece between proposed Lot 1 and the James and Shannon Phelps parcel.

Mr. Phelps stated that it was done that way because the existing septic system on Lot 1 is close to his land.

The right-of-way for access that runs through proposed Lot 1 was discussed, assuming it was probably a farm road at one time.

It was suggested that the applicant widen the road frontage for Lot 1 to include that triangular piece as well as removing the proposed boundary line for the remnant piece.

Mr. Phelps stated that he will have his surveyor make those changes.

The application will be forwarded to the Onondaga County Planning Board for their review and recommendation as the property is within 500' of an Ag Taxing District.

RESOLUTION #3 -- 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 James Phelps, 8825 Dinglehole 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 #4 -- 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 James Phelps, 8825 Dinglehole Road, Baldwinsville, New York, Minor Subdivision application, the Planning Board issues a NEGATIVE DECLARATION.

6 Ayes -- 0 Noes

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

RESOLVED, that a Public Hearing be held at a date and time designated by the secretary, on the application of James Phelps, for a subdivision of property located at 8825 Dinglehole Road, Baldwinsville, New York, Tax Map No. 030-02-06.1, for a development of two (2) lots from a parcel of approximately 21 acres.

6 Ayes -- 0 Noes

Mr. Phelps thanked the Board for their time.

2. Controlled Site Use  
Case No. 2019—004

Millers Crossing Design  
3160 Cold Springs Road

Jason and Rebecka Miller were before the Board for the former Tabatha's Family Tree Restaurant, 3160 Cold Springs Road. The owners of the restaurant recently went through a Zone Change with the Town Board. The property's zoning was changed from AR-40 to Neighborhood Residential Business District. The Millers' proposal is to purchase the property for a design studio is an allowed use under this zoning classification with a Controlled Site Use.

Background submitted by Rebecka:

My name is Rebecka Miller and I am the owner of Miller's Crossing Design. I started my business in the Fall of 2016. I started out painting and selling furniture, it quickly grew into a full-time custom painting business, I also have space in the Green Ivy Flower shop and the Two Twisted Sisters, along with selling up cycled home decor, paint and craft supplies in these two locations. I also have taught dozens of painting classes. I am also an interior designer and often work with clients to help with remodels or new builds. I am very excited to have my own location so that I can expand the business and add more classes. My vision for the property is to have it a design center, where clients can come in and pick out finishes or shop for one of a kind vintage pieces. I want to have a place where people in the community can come in and create. I will have a craft bar where they can make their own home décor with monthly classes available. The property has a full functioning kitchen that I would like to keep for events so that small things like chips and dips can be served. Other locations have been looked at all over Central New York that would have worked fine, but having been born and raised here and raising their children their heart is in Baldwinsville and are invested in the community and its small town charm.

Mr. Miller added that they don't want to lose the grandfathering of the restaurant.

It was determined that a restaurant is an allowed use in this zoning district.

Mrs. Miller stated that she'd like to have food available for events, chips & dips.

Karen Rice, Clerk, stated that's fine. You may have to deal with the Onondaga County Health Department there.

Mrs. Miller questioned subleasing space to other small business owners, a 10' x 10' space for example.

Karen stated that that would be a separate application. Other uses would need specific approval through a Controlled Site Use as well to review each use, the square footage of each and parking requirements. Right now we've calculated the parking at what you are currently requesting.

Mr. Miller stated that nothing structural will be done, more painting, flooring, landscaping, etc...

William Lester questioned how you display the material you create....how do you display that for sales, any outdoor displays?

Mrs. Miller stated that there won't be any outdoor displays. It will be more of a boutique a couple of doors a week all within the store. I may put a chair out for attention, but probably not.

Mr. Miller added that most of the advertising is on-line, word of mouth. It's not going to be like Ricky Bobby's Flea Market where there are things piled up out front.

Mrs. Miller added that it will be very tasteful.

Steve Darcangelo stated that parking in the past has been a problem.

Mr. Miller stated that they live on Cold Springs Road and remember cars being lined up on both sides of the road.

Karen stated that they have more than enough for what they are proposing; right now they only need one parking space for each 300 square feet of gross floor area. They need six parking spots and there is more than enough for that.

Tim Frateschi, Esq., stated that they are showing ten parking spots and questioned how you are going to designate those spaces...stripe them?

Mr. Miller stated that they will if they have to but, currently you just pull in...

Mr. Darcangelo stated that he believes you should stripe them to show how you can accommodate the cars.

Mr. Miller stated that the parking was not designated for the restaurant nor was there a handicap spot available.

Mr. Frateschi stated that the other option could be a 'curb stop'. That could designate a spot.

Mr. Miller...a cement curb stop?

Karen concurred adding that we've even allowed landscaping logs.

Mr. Frateschi stated that you just don't want people coming in all haphazardly if they have no idea where the parking spots are.

Mr. Miller concurred stating that he's waiting to hear from his attorney and surveyor with regard to a fence that surrounds the property...part of it in the back is falling down. My understanding is that it's not ours, it's the other property owner. I would like to be able to separate that out and have it all fenced off look good...have parking identified and not have it look like a free for all.

Mr. Darcangelo questioned other uses.

Karen stated that most of the uses allowed in this zoning district are going to be one for each 300 feet of gross floor area. They're going to be limited as to how many uses they can have under one building.

Mr. Darcangelo questioned how many people normally come to a class.

Mrs. Miller stated that ten to fifteen usually...a lot of times it's a group of friends who carpool.

Mr. Darcangelo stated that you meet the Code...so you're fine, my only thought is we don't want to create any potential hazards.

Mr. Frateschi stated that the size of the building determines that, not necessarily the use.

Mrs. Miller stated that they may get one truck load every three months with a pallet of materials.

John Corey, Chairman, stated that there is an email on file from Al Yager, Town Engineer, dated May 9, 2019 that will be made part of the public record, in part:

The proposed Millers Crossing use change appears to be allowed in the Lysander Town Neighborhood Residential Business District. The current parking at the site meets the Town Code requirements and the proposed use should result in a decrease in traffic volume so a traffic study is not warranted. Any changes to the parking lot in the future will require coordination with the NYSDOT for a ROW work permit.

**RESOLUTION #6** -- 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 Rebecka Miller, Controlled Site Use application for a Design Studio, on property located at 3160 Cold Springs Road, Baldwinsville, New York.

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 #7** -- Motion by Corey, 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 Rebecka Miller, Controlled Site Use application for a Design Studio, on property located at 3160 Cold Springs Road, Baldwinsville, New York, the Board issues a NEGATIVE DECLARATION.

6 Ayes -- 0 Noes

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

RESOLVED, that having reviewed a Site Plan as defined on a map dated April 9, 2019, prepared by the applicant, as shown on a map dated April 9, 2019, associated with the application of Rebecka Miller, 3589 Cold Springs Road, Baldwinsville, New York, for a Controlled Site Use Permit to allow the operation of a Design Studio, on property located at 3160 Cold Springs Road, Baldwinsville, New York, the site plan is hereby approved with the following condition:

- 1) Parking spaces should be identified through striping or a curb stop.

DISCUSSION:

Jason Miller questioned if anything is required to repave the parking lot.

Karen Rice, Clerk, stated that that's allowed without any approvals and/or permits. The Engineer was referring to additional uses being brought with their associated parking that would require needing approval from an outside agency (NYSDOT) because of the increased volume of traffic and how it will affect the State road.

Hugh Kimball questioned if the approval should be conditioned upon coming back before the Board for other uses.

Karen started that that won't be necessary as they have to come back for any other uses on this site.

6 Ayes -- 0 Noes

The Millers thanked the Board for their time.

3. Minor Subdivision  
Case No. 2019—005

Allen, Josh  
400 West Genesee Road

Doug Reith, CNY Land Surveying, represented Josh Allen for the Minor Subdivision of property at the corner of West Genesee and Tater Roads, stating that Mr. Allen owns approximately 86 acres on both sides of Tater Road, on both sides of Tater Road, on the south side of West Genesee Road/NYS Route 370. They want to see off the barns as their turkey operation is no longer and they have no use for the barns.

Mr. Reith stated that someone wants to come in and buy the barns but does not know what they want to do with them. They will continue farming the remaining 64 acres. There are wetlands associated with the parcel but they're on the west side of Tater Road and have nothing to do with the barns. There is an existing well that will stay with the barns. There is also an existing septic system on the south end of the project.

Hugh Kimball questioned access to the barns.

Mr. Reith stated that it's through a gravel drive shown on the plan. Access to the remainder will be off of a driveway north of the barns and off of NYS Route 370.

Steve Darcangelo reiterated that it will be a large lot that has frontage on both sides of the road.

Mr. Reith concurred, stating that the remaining lands will still be on both sides of Tater Road.

William Lester stated that there are no intentions of subdividing that remnant piece at this point.

Mr. Reith concurred stating that they want to continue farming.

Mr. Darcangelo stated that he doesn't like oddly shaped parcels, but...

Mr. Reith stated that one of the reasons they did that is because of a swale that comes down through there (indicating on the plan) and they're trying to keep the swale on their property so that they can maintain it.

Mr. Darcangelo concurred.

There was some discussion with regard to setbacks. It was determined that the existing structures meet the required setbacks, although per Article V, Section 320-13, Paragraph A(2)(d) Farms are exempt from Section 32-14B (Dimensional Requirements).

Mr. Darcangelo questioned if there are two catch basins on the parcel being subdivided out.

Mr. Reith concurred stating that it's all part of the swale.

Mr. Darcangelo questioned if there is any problem with collecting water....a point source discharge onto adjacent property.

Tim Frateschi, Esq., stated that yes there is, but I don't think our Code discusses this issue.

Karen Rice, Clerk, concurred stating you can't drain onto adjacent property.

Mr. Darcangelo stated that there is one owner currently but when it changes hand it becomes an issue.

Mr. Frateschi concurred adding it would be a Case Law type situation.

Mr. Frateschi questioned how far the pipe is from the property line.

Mr. Reith estimated that it's approximately 10'.

Mr. Darcangelo stated that Josh won't care because of his intended use, but it's something that could come up in the future.

William Lester questioned where the swale drains to, a wetland somewhere?

Mr. Reith stated that he doesn't know as they didn't follow it all the way out. It's a low area back in here (indicating on plan). It's marshy and deep sometimes. Especially with the weather we are having.

RESOLUTION #9 -- 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 Josh Allen, 400 West Genesee Road, Plainville, 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 #10 -- Motion by Corey, 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 Josh Allen, 400 West Genesee Road, Plainville, New York, Minor Subdivision application, the Planning Board issues a NEGATIVE DECLARATION.

6 Ayes -- 0 Noes

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

RESOLVED, that a Public Hearing be held at a date and time designated by the secretary, on the application of Josh Allen, for a subdivision of property located at 400 West Genesee Road, Plainville, New York, Tax Map No. 034-02-02.1, for a development of two (2) lots from a parcel of approximately 86 acres.

6 Ayes -- 0 Noes

Mr. Reith thanked the Board for their time.

4. Information Only  
Case No. TBD

Quattrocchi, Angelo  
Lot 48, Section E, Grouse Hill  
Tanwood Circle

Steve Sehnert, Applied Earth Technologies, represented the Quattrocchi's in their proposal to purchase additional land to add to their property. They own Lot 48 in the Grouse Hill/Fairways North, Section E Subdivision off of River Road, identified in blue. They'd like to purchase a portion of Lot 23, identified in green, dropping down from the Quattrocchi parcel to the northwest corner of Lot 119 of Section A and the northeast corner of Lot 120, identified in pink, of Section A (both Lots 119 and 120 are owned by the same people, Lot 119 has their home on it and Lot 120 is vacant). They'd like to take approximately 20' in depth for the entire width as shown. By doing so all lots involved still meet the zoning required in their respective zoning districts. There's no violation in zoning. The land being acquired is not 'usable' by anybody. It can't be developed as its all wetlands. The simplest way to do so would be to file an amended map for Lot 48. Combining all of these parcels together puts the 'new' parcel from the Phoenix Central School District to the Baldwinsville School District. It gives the people of sending their kids to either school. It is our understanding that this is perfectly legal.

Hugh Kimball questioned how the address for the Quattrocchi's is Tanwood Circle..

Mr. Sehnert concurred.

Mr. Kimball questioned how that can be as they don't even connect. Why do you have two addresses with two separate access points? How does the Fire Department even find it.

Mr. Sehnert stated that he can't answer that as he's not the Post Office or 911. 911 assigns all of these addresses.

Steve Darcangelo questioned what defines the school district boundary.

Mr. Sehnert stated that they're shown on the tax maps.

Mr. Darcangelo questioned what if the school district boundary is defined as the northern property line of Lot 120 and you change that.

Mr. Sehnert stated that they're not changing the school district boundary...

Mr. Darcangelo stated that you'd have to make sure it's not tied to that.

Tim Frateschi, Esq., stated that that's not something the Planning Board needs to address. However, lots are supposed to be standardized, uniform lots, but Lot 48 as originally approved isn't a standard uniform lot anyway.

Mr. Sehnert stated that the owners of all of the lots are in agreement. We just have to figure out what our procedure is before the Planning Board.

John Corey questioned how Lot 48 was ever approved in the first place, however how do you want to proceed.

Mr. Sehnert stated that he wants to amend the map for Lot 48 and not go through the Division of Land process. This will keep it all consolidated where the amended map can be filed in the County Clerk's office.

Mr. Frateschi questioned if it would be a conforming lot in doing so.

Karen Rice, Clerk, stated that it won't be considered a building lot, does it have to conform...they would be adding the combined parcel to their lot.

Mr. Frateschi stated that Lot 23 is a building lot, with an existing home on it and is a conforming lot. You're asking to turn Lot 23 into two separate lots. The remainder lot on the other side of what the Quattrocchi's want is not a conforming lot.

Karen stated that it's not a conforming building lot, but can't it just be a lot...a remnant piece? It's all wetlands anyway, you can't build on it.

Mr. Frateschi stated that he doesn't know...I'd have to look into that. Our Code requires lots to the greatest extent practicable to meet certain widths, depths, 4 to 1 ratios, etc...

Karen questioned why they don't just extend the remnant piece all the way to River Road.

Mr. Frateschi stated that it would look a lot better if he sold them all of this.

Mr. Sehnert stated that the comment he received on that suggestion himself is the Quattrocchi's don't need it and don't want it.

Mr. Darcangelo questioned what would prevent other property owners from doing that...

Mr. Sehnert stated that over the years they've done a lot of stuff like this where there's unused land...we've added land to lots.

Mr. Darcangelo questioned if the Phoenix School District would be on board with this proposal.

Karen stated that they've been approached in the past to have all of Grouse Hill/Fairways North in the Baldwinsville School District and they weren't receptive.

Mr. Frateschi stated that technically you're using the Zoning Laws of the State of New York and the Town of Lysander for a purpose which it was never intended to use and that's the problem. The law is we're supposed to have conforming lots. You're making this non-conforming lot even more non-conforming.

Mr. Sehnert stated that the regulations have changed over the years.

Mr. Frateschi concurred, however the Law still states that you can't make a non-conformity more non-conforming.

Mr. Sehnert stated that they could ask for a variance.

Mr. Frateschi concurred...from that component, yes.

Mr. Kimball questioned if the Board has the power to do what they are asking.

Mr. Frateschi stated that you do...

Karen stated that it's a subdivision of land.

Mr. Frateschi concurred stating that the applicant's representative is just asking for feedback.

Mr. Corey stated that the Board appears to be struggling with this as they're not going to create a non-conforming lot.

Mr. Sehnert stated that they could make it more conforming if they add the land that is now going to be 23B.

Mr. Frateschi concurred...if you do that it makes it a lot more palatable because now all of a sudden all of these crazy radius lines go away and you have one lot.

Karen...all the way to River Road which would clean it up.

Mr. Sehnert stated that he will go back to his client with the comments and thanked the Board for their time.

## V. OTHER BUSINESS

1. Major Subdivision—Amendment to Resolution passed March 14, 2019 with a change in the number of lots for Final Plat approval from 15 to 47, Highland Meadows, Section 3, Mercer Street to Giddings Trail.

John Corey, Chairman, stated that at our March 14, 2019 Planning Board meeting the Board passed a resolution pertaining to Highland Meadows stating that those conditions under which I would be authorized to sign the Final Plat. While there were a number of conditions, the key condition was that the Town had to accept the roads and utilities before that could take place. The applicant was on the Town Board's last meeting agenda for a resolution to accept the roads with those conditions, however during the work session prior to that happening the topic came up and a discussion was started with several members of the audience, Al Yager, Town Engineer, myself, Jerry Hole, Highway Superintendent...where we started answering questions from the Town Board. To make a long discussion short and simple, it became clear that the issue the Town Board had to decide, regardless of all of the conditions that might have been in place, is were they willing to set a precedence and accept ownership of roads and utilities that had not been constructed. It became very apparent that the majority of the Town Board was not prepared to do that and they took that item off of the agenda. Mario D'Arrigo, meanwhile came back and contacted Karen (Rice, Clerk), Karen and myself talked to him and under the Town Code, Section 270-2 where the Planning Board has the authority to grant a final plat without roads and utilities being in place. It's actually in our Code. Mario came forward and said that he would like to now, instead of asking for the approval on the original fifteen (15) lots he wants final plat approval on all of the remaining forty-seven (47) lots; which includes the initial fifteen. He is willing to do whatever condition we place on it and primarily has agreed that no sales, no construction of any type will occur on any of those lots until the final plat is signed and filed with the Onondaga County Clerk. The final plat will not be signed until the Town takes dedication of the finished, connecting road. So, you can ask yourself why are they doing all of this while they're gaining nothing...there right back to the original thing we set up years ago. Mario said that "quite frankly he's not sure why but wants to be in the position to move as fast as I can when the final Town accepts dedication of the roads. I don't want to then have to go through another meeting schedule to get final plat authorization." What's before us tonight, and in talking to Tim Frateschi, Esq., about this, he felt the most appropriate way to deal with this for us is to pass an amended resolution that would replace the one that we passed before which was only for fifteen lots and this will be for forty-seven.

Karen I left all of the same conditions in the proposed resolution; some of them may not apply.

Mr. Corey stated that at this point Mario has agreed to two critical things, he has agreed that there will be no sales...there are offers to purchase in place on eight of those lots in the original 15 lot section, an offer to purchase is not a sale. It just means there is a deposit down to hold that property. No activity will occur because under Ryan's policy they will not sell any lots to someone and start work on it until the final plat is filed.

Hugh Kimball added that Mario can't sell to Ryan either.

Mr. Corey concurred stating that's the reason Mario is making this request.

Bill Lester questioned No. 4 in the resolution.

Mr. Corey stated that he and Tim talked about this...this was basically put together as an amendment to the original resolution; we just changed the number of the lots. This is basically that. Conversations with Mario led us to a position where we could certainly shorten this list of conditions and focus in on the key ones. He has already paid all of his In Lieu of Land for public

use fees. He gave Karen a check for \$16,400. He has agreed to put any bonds in place the Town requires. The Town Board has to have accepted the roads and utilities, meaning the road is completed to Town Standards and accepted by the Town before I as Chairman am authorized to do anything.

Karen stated that the Code Enforcement Officer can issue two building permits per our Code.

Mr. Corey concurred stating that Mario talked with Ryan Homes about it. He said they are not going to ask for those.

Mr. Frateschi stated that from Bill's point I'd be much more comfortable with keeping No. 4 in and just saying no building permits shall be issued because that's what he agreed to. 'No building permits will be issued until Giddings Trail will be connected to Giddings Crest as completed and dedicated to the Town.'

Mr. Corey stated that our Town Code allows builders to get two building permits...

Mr. Frateschi concurred stating that he can sue us and get his two permits or we can say 'accepted as set forth in Town Code.' However, he has told you he's not going to get those two building permits.

***There is a letter on file, prepared by Mario D'Arrigo, dated May 8, 2019, that will be made part of the public record, in part:***

***This is to advise the Board that our company hereby agrees that should the Planning Board grant conditional Final Plan approval of Phase 3 at its next meeting on the 9<sup>th</sup>, no building permits will be sought and no house construction shall occur on any of the 47 lots in Phase 3 for which we seek Final Plan approval, until the Final Plan for Phase 3 has been filed in the Onondaga County Clerk's Office.***

Mr. Corey stated that that's what I asked him to put in the letter.

Mr. Frateschi stated that he understands that but he can sue you and say file our map because you approved it.

Mr. Corey stated that it will be a conditional resolution.

Mr. Frateschi stated that that's why we need to say 'no building permit shall be issued'. If everybody is comfortable with that amend the resolution, Condition No. 4 shall say, instead of No Certificates of Occupancy, no building permits.

Joanne Daprano stated that he shouldn't have an issue with that because that's what he put in his letter.

Steve Darcangelo questioned how the Town takes dedication...I assume AI would like them to be paved.

Mr. Frateschi stated that they might not have a top-coat on.

Karen added that he'll get a bond. There is a punch-list in the file, those number are going to change.

Mr. Darcangelo questioned what's different from our standard procedure....we're taking dedication early?

Mr. Frateschi stated we're approving the final plat before the roads are done. Mr. Frateschi stated that we have to waive the public hearing for the final plat.

Karen stated that by acting on this he's gaining a couple of weeks.

***There is a letter on file prepared by AI Yager, Town Engineer, dated May 9, 2019, that will be made part of the public record, in part:***

***I have reviewed the final plat for Phase 3 of the Highland Meadows/Lysander Preserve subdivision prepared by Ianuzi & Romans Surveying, dated October 1, 2018. It appears that the final plat as submitted for the 47 lots included in Phase 3 is identical to the preliminary plat approved by the Planning Board on June 8, 2012.***

***The original Planning Board resolution approving the preliminary plat for the subdivision conditioned the preliminary plat approval by limiting the maximum number of lots that could have final plat approval to 62 prior to the connecting road between Giddings Trail and Mercer Street being completed. At this time the road construction between Phase 2 and Phase 3 of the development, which will ultimately connect to the Giddings Crest, is underway. It is anticipated that the road construction will be complete before your next meeting on June 13, 2019 and the developer has indicated that there are deposits on several of the lots that Ryan Homes would like to start construction on as soon as possible. Provided the road construction is completed before the first Town Board meeting in June the developer has indicated that he will be requesting dedication of the roadway and utilities at that meeting and would like to file the final plat the following day so Ryan Homes can start construction on the lots that they have received deposits on. The Town Code does allow final plat approval by the Planning Board prior to the construction of the required infrastructure being completed; however the Town Code also requires that the Town Board take dedication of the road and utilities prior to the Planning Board Chairman sign the final plat. Any resolution authorizing the Planning Board chairman to sign the final plat will need to be conditioned on the dedication of the roads and utilities by the Town Board. At this time I would not be opposed to the Planning Board passing a resolution authorizing the Chairman to sign the final plat with the previously mentioned contingency.***

FINDINGS:

An Environmental Assessment Form was reviewed as part of the Preliminary Plat Approval Process; this proposed action will not result in any significant adverse environmental impacts.

There is a letter on file from Al Yager, Town Engineer, dated May 13, 2019 that has already been made part of the public record.

There is a letter on file from Jerry Hole, Highway Superintendent, dated March 13, 2019, that has already been made part of the public record.

There is a letter on file from Al Yager, Town Engineer, dated May 9, 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 did not require referral to the Onondaga County Planning Board for their review and recommendation.

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

**RESOLUTION #12** -- Motion by Corey, Second by Lester

RESOLVED, that the Planning Board authorizes the Chairperson to review the Final Plat for the forty-seven (47) lot subdivision application of Highland Meadows Development, LLC, for property located at Highland Meadows, Section 3, Mercer Street to Giddings Trail, Part of Farm Lots No. 78 & 79, Part of Tax Map Number 049.2-03-06.1 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, with the following conditions:

- 1) All fees associated with this application, including expert fees, be paid to the Town Clerk;
- 2) Any financial securities established by the Town Board has to be in place;
- 3) The Town Board accept the roads and utilities; and
- 4) No building permits shall be issued until Giddings Trail is connected to Giddings Crest and such road has been dedicated to the Town and a deed filed in accordance with the Road Design Standards of the Town.
- 5) The Chairman shall not sign the Final Plat until Legal and Engineering review of the above conditions are satisfied.

6 Ayes -- 0 Noes

Hugh Kimball stated that AI indicated that the plan is the same as what was originally approved back in 2012. All of the conditions that were set out when we originally approved the entire development in 2012 are still in effect until all of this happens, including the final step of the Town accepting the roads, which means the road has to be there. The only other thing I wanted to mention, which I talked with AI about, because of a situation in Giddings Crest where they tried to dig a pool several years ago; when they came back the next day the hole they had dug filled with water. The pool folks decided that all they could do is fill in the hole and build an above ground pool. This house backs up to the first lot on the right where the road joins the Giddings neighborhood. There may be water problems on those first two lots on the right.

VI. ADJOURN

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

RESOLVED, that the May 9, 2019 Town of Lysander regular Planning Board meeting adjourn at 8:45 p.m.

6 Ayes -- 0 Noes

Respectfully submitted,

Karen Rice, Clerk