

TOWN OF LYSANDER  
PLANNING BOARD MEETING  
Thursday, February 4, 2016 @ 7:00 p.m.

The regular meeting of the Lysander Planning Board was held Thursday, February 4, 2016 at the Lysander Town Building, 8220 Loop Road, Baldwinsville, New York.

- MEMBERS PRESENT: John Corey, Chairman; Joanne Daprano; Hugh Kimball; William Lester; Jim Hickey
- MEMBERS ABSENT: Steve Darcangelo
- OTHERS PRESENT: Al Yager, Town Engineer; Tim Frateschi, Esq.; Kevin MacLeod; David Razzante; Frank Costanzo, ZBA; Steve Sehnert, Applied Earth Technologies; Matt Fuller, Barton & Loguidice; Jim Stirushnik; Dan Barnaba, Eldan Homes; James Trasher, Clough Harbor; and Karen Rice, Clerk

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

Prior to opening the Public Hearing for the Timber Banks subdivision of the Golf Course, Nature Conservancy and the remnant piece; the board has to appoint themselves Lead Agency and review the SEQR.

RESOLUTION #1 -- 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 Timbers, LLC, River Road, Baldwinsville, New York, Major Subdivision application.

5 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)? No
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? No

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 # 2** -- 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 Timbers, LLC, River Road, Baldwinsville, New York, Major Subdivision application, the Planning Board issues a NEGATIVE DECLARATION.

5 Ayes -- 0 Noes

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

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|---|--|
| 1. Major Subdivision<br>Case No. 2015—021 | Timber Banks<br>Golf Course/Nature Conservancy/Remnant<br>River & Patchett Roads |
|---|--|

The Public Hearing opened at 7:06 p.m.

James Trasher, Clough Harbor, represented Timbers LLC, stating that they are pulling out the conservation areas as part of an agreement between the Town and the Timbers LLC that was court ordered by a Judge; to separate it from the golf course. The remnant piece will be for future development.

David Razzante, stated that he resides at 3484 Long Shadow and owns a business at 3760 Patchett Road, at the dead-end of Patchett Road and questioned if the conservation area backs right up to Patchett Road.

Mr. Trasher stated that there is property that falls between Patchett Road and the conservation area. The distance from Patchett Road to the conservation area is approximately 2000' with the total area of the property line approximately 4075'.

Mr. Razzante questioned if that area was designated for future development.

Mr. Trasher concurred.

Jim Striushnik, Dinglehole Road, questioned access to the conservation easement.

Mr. Trasher stated that there are walking trails that are part of the golf course project that work through the golf course development along with the walking trail along the edge of the river.

Al Yager, Town Engineer, stated that they have also included a 50' access easement along the southern property line across the residential area.

Mr. Stirushnik questioned why it wasn't 60' for a standard road.

Mr. Yager stated that it is shown as 50', but it's an access easement, not a road right-of-way. We don't really want to see a road built back to that.

Mr. Stirushnik stated that we might not want to but future generations might.

Mr. Trasher stated that you really can't get into the conservation easement...there are wetlands (indicating on plan).

Mr. Stirushnik questioned what the board was using for a negative response on archaeologically sensitive areas, facts, figures or evidence.

Mr. Yager stated that they used the previous one that was done with the original project as part of the General Project Plan.

Mr. Trasher added that the original GPP for Amendment No. 4 had the archaeological assessment confirmed.

Mr. Stirushnik stated that he just wanted it on the record that there is documentation out there.

Mr. Frateschi stated that we did SEQR tonight; which was a reaffirmation basically of the previous SEQRs that have been done for the whole project. What we are doing here is creating conservation easements. This is not furthering any development that hasn't already been approved. From a purely SEQR standpoint, what is the environmental impact of creating environmental easements. It's probably more environmentally advantageous because now we know those properties can't be developed. Nothing we are doing tonight is going to affect any of the properties in terms of development, in fact it's going to limit development.

Mr. Trasher concurred stating that from our standpoint we can't do anything with that property.

Hugh Kimball stated that we're not changing anything that was planned already.

Jim Hickey questioned who will own the conservation area.

Mr. Trasher stated that there is a third party that will take over ownership.

Mr. Hickey reiterated that the 50' access goes with the easement.

Mr. Trasher concurred stated that 50' is more than the 20' normally required.

Kevin McLeod, Bond Schoeneck & King, stated that he is here on behalf of the Baldwinsville School District and asked about an earlier statement made about an agreement between the Town and the Timbers that was approved by a Judge and questioned what agreement that was.

Mr. Frateschi stated that it's an agreement for a Tax Cert that was approved last year. It's basically an agreement to take property out of the taxing assessment jurisdiction of the Town because there was a Tax Cert claim against the Town.

Mr. McLeod stated that his office was involved on behalf of the School District (unclear) four years of tax assessment proceedings that were approved in May 2015 by Judge Karalunas. The School District is concerned about consistency between that agreement and plans that are being presented here tonight. As part of that agreement and throughout those tax assessment proceedings it was contemplated that the properties would be reconfigured but remain in two parcels, one being the golf course and the other parcel being all of the excess land, both the conservation easement and residential development through 2017. The School District is concerned that that conservation easement is going to be given/conveyed/transferred to a third party who would come with a real property tax assessment exemption application and would reduce the Town as well as the School District's tax base. Considering that that is inconsistent with Judge Karalunas approved decision the School District is very concerned about the tax base and believes that the Town should act on that as well.

Mr. Frateschi stated that he read the tax cert agreement last week, but was not involved with the case...you're saying that the conservation easement that is being proposed should be taxable as it relates to all of the property, except for the golf course??

Mr. Trasher stated whatever needs to be done between the attorneys with regard to taxing purposes will be done; this separation of land is based on that. If I misspoke on how the land is being exchanged is being done as an engineer only.

Mr. Frateschi stated that he will talk to the Town Attorney, who provided a copy of the agreement. I didn't read where it was going to be split into two parcels, but will follow up on that.

Mr. McLeod reiterated that the easement was to stay with the remnant piece until after the agreement date of 2017.

Mr. Yager stated that if it can't be transferred or changed until 2017, maybe this is just the developer's way of separating this out all at once and being in compliance so that the taxable parcel of the golf course is separate from the developable land and planning for the future and knowing that after 2017 he's going to transfer this to a third party.

Mr. Frateschi stated that that may be what he has in mind; or you can still separate it out but if you get an exemption for it it would be in violation of a Judge's Order and you can't do that either.

Mr. McLeod stated that he doesn't think the Judge's Order says anything about transferring it to a third party; the Judge's Order discusses the intent of how it would be subdivided. It would be subdivided into two parcels, the golf course and excess land.

There was some discussion as to whether or not this item should be tabled until the March meeting.

Mr. Trasher read an email from Gary Pooler, Timbers LLC, stating that he NEEDS to have this property conveyed to the Western New York Chapter Nature Conservancy prior to 3/1/2016. We still have to get it to the Onondaga County Health Department.

Mr. McLeod stated that 3/1 is the taxable status date for the Town. He's trying to get an exemption on the property and that goes to the key point as to why the Judge and the why the parties at the time said the parcels would remain together until 2017.

Mr. Corey stated that we need to have a better understanding of what we're dealing with here; as this is new information being brought up.

Karen Rice, Clerk, stated that the Assessor did provide part of the Tax Agreement that was made part of the public record.

Mr. Kimball stated that the land being transferred to the conservancy is probably worthless anyway from the standpoint of taxes or anything else.

Mr. Hickey questioned the tax dollar amount involved.

Mr. McLeod stated that he doesn't have that amount available. The conservation area he believes is assessed at \$2,300/acre with 221 acres that would be coming off of the Town and the School District's roll for 2 years.

Bill Lester started that the question is whether it's two parcels or three parcels; but what difference does it make as long as it's still assessed at \$2,300/acre. The acres are still the same.

Mr. McLeod stated that as they were going through the tax assessment proceeding it was contemplated that the golf course and the excess land wouldn't be split into three different divisions. By allowing three different divisions you are allowing that conservation easement to be sent to a third party and therefore be exempt.

Mr. Lester...because it's a conservation easement?

Mr. McLeod concurred.

Mr. Hickey stated that his concern is because it was dictated by the Judge, two parcels vs three.

Mr. Frateschi, in reviewing the tax agreement, stated that he does not see that anywhere in the agreement, that it can only be two parcels....it dos say, if the Petitioner files a final subdivision map with the County which affects any portion of the River Road Parcel, the Patchett Road Parcel or the New Tax Map Parcel...and the if the County creates a new tax map parcel or parcels in connection with such subdivision, the Assessor, on the next applicable tentative assessment roll, can assess such new tax map parcel(s) and Petitioner is free to challenge the assessment on any new tax map parcel(s) created.

Mr. McLeod...so in essence by approving this three, where the Town would have protection for tax assessment challenges for another two years...by approving three subdivisions you're

taking it outside of that and allowing Petitioner to challenge or the Town can raise the assessment.

Mr. Kimball doesn't that paragraph also give the Tax Assessor the option to say, "wait a minute, all the value is really in the golf course and they could raise the taxes from \$2300 to \$4500".

Mr. Frateschi stated that he hasn't looked at this with what you're saying in mind. I don't see where the Judge has said it can only be two parcels rather than three parcels.

Mr. McLeod stated that admittedly I don't think that is crystal clear. I'm here on behalf of the School District to say throughout the negotiations and the proceedings it was represented to both the Town and the School District that they would divide it into two parcels so the assessment would be set until 2017. The School District just thinks the fairest way would be to follow that arrangement.

Mr. Frateschi reiterated that the Judge certainly doesn't say you can't have three separate subdivision parcels?

Mr. McLeod concurred.

Mr. Yager stated that from a Planning Board standpoint, our job is to make sure the subdivision is compliant with the regulations of the PUD zone and our subdivision regulations.

Mr. Frateschi stated that he doesn't want to act in a vacuum where we don't at least consult with the Town (Attorney) to make sure that's their understanding.

Mr. Trasher stated that if they thought it was an issue, wouldn't he have looked at it and raised the issue.

Dan Barnaba, Eldan Homes, stated that most of the time you see him before the board has a developer, but he's also here as a resident. Although he appreciates Mr. Frateschi not wanting to act in a manner that violates a Judge's Order, he would like to acknowledge the efforts of the developer here. I appreciate the School District being concerned they will lose some of their tax revenue, but it should be noted that this developer added considerably to this tax base. If his goal was to get this action accomplished so that he could save some money, I don't think that should be painted as something that's dastardly by any means. The Town should try to accommodate him. He has put millions of dollars in apartments and other housing and increased the tax base of the Town immensely. I support development and board action in that favor. Thank you!

Mr. Stirushnik questioned if the areas outlined in blue on the plan are going to have any development before the 2017 deadline.

Mr. Corey stated that that is part of their plan.

Mr. Yager concurred adding that they actually spell out the rate in which the total assessment of the blue parcel will be reduced per acre in the agreement as the additional lots are subdivided out.

Mr. Stirushnik suggested the Public Hearing be left open until the board is prepared to actually make a decision on this action since it is a somewhat viable situation.

Mr. Trasher stated that he would request that you close the Public Hearing and conditionally approve it based on the map submitted this evening, contingent upon legal review; come back at the next meeting and rectify the situation.

Motion by Hickey, Second by Lester that the Public Hearing closed at 7:32 p.m.

5 Ayes -- 0 Noes

## II. APPROVAL OF MINUTES

Review and approval of the minutes of the January 14, 2016 special Planning Board meeting.

Additional language was added to page 5, Marden Associates, last paragraph:

Mr. Kimball asked the Planning Board attorney if he agreed. Mr. Frateschi said it depends on how thorough SEQRA is for the Incentive Zoning. If that is done comprehensively, that should be sufficient to make a SEQRA determination for the entire project, including subdivision. This would be the best way to handle SEQRA.

### RESOLUTION #3 -- Motion by Hickey, Second by Daprano

RESOLVED, that the minutes of the January 14, 2016 Planning Board meeting be approved as modified.

5 Ayes -- 0 Noes

## III. OLD BUSINESS

- |                      |  |
|----------------------|--|
| 1. Major Subdivision | Timber Banks   |
| Case No. 2015-021    | Golf Course/Nature Conservancy/Remnant<br>River & Patchett Roads |

### DISCUSSION:

Mr. Corey stated that the applicant has presented everything required under the Planning Board's auspices. We could clearly act on this. There is a question that's been raised that's dealt somewhere else and not here. I don't know why we can't move forward with this.

Mr. Hickey concurred stating that there's nothing specifically that limits that and there's a mechanism in there to deal with the assessment changes according to Tim.

Mr. Frateschi stated that if the Town does an assessment change, yes. The question is, if this is sold off to a third party, which is a not for profit agency and they apply for an exemption from taxation, can the Town Assessor not grant that exemption.

Playing around with figures, if his math is right, Mr. Hickey stated that it would be assessed at about \$580,000; the amount you're dealing with if this happened tomorrow is approximately \$21,600 in school taxes for two years.

Mr. Hickey stated that he's comfortable with everything he has heard tonight.

Mr. Frateschi stated that he would be comfortable with approving the subdivision conditioned upon further legal review and opinion that this would not violate a Court Order.

Mr. Kimball questioned if this subdivision has to go to County.

Karen stated that it did and it came back No Position.

Mr. Frateschi stated that you're all right, this is not a Planning Board issue; however we have been made aware of a potential situation and we shouldn't act in a vacuum. If the board wants to grant conditional approval and I talk to the Town Attorney and Mr. McLeod and we're not missing anything and it's not going to be a violation of the Judge's Order then it's done. If I do believe it's in violation of the Judge's Order we then invoke that condition and make this subdivision null and void.

Mr. Lester reiterated that the Judge's Order is effective through the end of 2017???

Mr. Frateschi stated that there are two parts in the agreement that are relevant, Page 3, Paragraph c: For the 2016 and 2017 assessment rolls, the Patchett Road Parcel and the River Road Parcel (inclusive of the golf course) shall, upon timely application by the Petitioner, be combined to form a new tax map parcel (hereinafter "New Tax Map Parcel") and from the New Tax Map Parcel, a new sub-parcel consisting of 228 acres shall be created for the golf course (hereinafter "Golf Course Sub Parcel"). The assessment on the Golf Course Sub-Parcel shall be \$1,350,000 on the 2016 and 2017 assessment rolls; and

Page 4, Paragraph d, in part: The assessment on the New Tax Map Parcel, exclusive of the assessment on the Golf Course Sub Parcel, shall not exceed \$1,228,200 (534 acres x \$2300/acre) on the 2016 and 2017 assessment rolls; provided, however that if any of the land (currently 534 acres) is sold or subject to subdivision as set forth in paragraph 5(f) below before any of the applicable status dates, then the assessment shall be reduced by \$2300 per acre for each acre sold or subject of subdivision.

Mr. Frateschi stated that it contemplates that it's going to get subdivided. Then it talks about in Paragraph f) If the Petitioner files a final subdivision map with the County which affects any portion of the River Road Parcel, the Patchett Road Parcel (*Mr. Trasher identified all of the parcels being discussed*) or the New Tax Map Parcel created under Paragraph 5(c) above (lands exclusive of the golf course) and if the County creates a new tax map parcel or parcels in connection with such subdivision then the Assessor, on the next applicable tentative assessment roll, can assess such new tax map parcel(s) and Petitioner is free to challenge the assessment on any new tax map parcel(s) created. (*Mr. Hickey stated that last statement frees us up*).

In reading those paragraphs, Mr. Frateschi stated that he believes the Court is contemplating that this is going to get subdivided and it's going to get reassessed, higher possibly.

Mr. Hickey stated that with what you just read, is a conditional approval even required and if so, what's the time frame for any review.

Mr. Frateschi stated that the review will be quick, there's not much to review. He just wants to confirm with those that were at the table negotiating this settlement agreement that this is ok as it relates to what they and the Judge contemplated so that we can get this done by next week. If I had known this was going to be an issue I would have talked with the Town Attorney about this, but it doesn't say anywhere in this Order that you can't have more than two parcels subdivided.

Mr. Trasher stated that if we were coming in here tonight for a 400 lot subdivision down through here (indicating on plan); he wouldn't be here tonight worrying about 'are we doing something'; because what we would in turn be doing is taking taxable land that's at a certain value and making lots which the assessor would raise...so at the end of the day, the ultimate goal is to see this all developed with stuff that will help generate revenue for both the Town, Developer and the School District.

Mr. Yager stated that according to Jim's math, it sounds like the value of the conservation easement is equivalent to about two houses taxes...

Several talking, one actually, one lot actually.

Mr. Lester stated that nothing the Planning Board would do would change the assessment.

Mr. McLeod stated that it would be reduced by acreage value.

Mr. Hickey stated that that's not the prevue of this board.

Mr. Frateschi again stated that he would be more comfortable if you gave him a week to figure out whether or not there is an issue. There would be no other action required by this board.

Mr. Corey stated that we could condition any approval on your review.

Mr. Frateschi concurred stating that if the review is that it's not in violation of the Judge's Order then nothing else needs to be done. If it is in violation of the Judge's Order then the subdivision doesn't stand.

Mr. Trasher questioned what the non-compliance is, this being sold to a third party?

Mr. Frateschi stated that he believes the issue is by subdividing 'gold' (conservation area) parcel you are reducing the amount of land that can be assessed by the Town Assessor because we're presuming it's going to be sold to a third party, which is going to be a nature conservancy type not-for-profit; and does having that reduction violate the Judge's Order as it relates to the value of all that property.

Mr. Trasher stated that if they sold it to "James Trasher" you wouldn't care.

Mr. Frateschi concurred because it wouldn't be tax exempt. It's still taxable.

Mr. Trasher reiterated that the subdivision is fine, it's the transaction that may happen in the future that is the issue...I don't see what that has to do with the subdivision that is before the board tonight.

Mr. Hickey concurred.

Mr. Trasher stated that he does not have a problem with a condition for legal review, I just wanted to know what the issue was so that I can tell my client it's conditioned upon legal because they're concerned you're going to sell this to a nature conservancy and it's not going to be taxable.

Mr. McLeod stated that that is the issue and the possibility that those subdivisions will trigger the right not only raise the assessment but also challenge the assessment on the other parcels which was not contemplated by the parties at the time of this agreement.

Mr. Frateschi stated that that's a purely legal argument that you would make on behalf of the School District if the developer tried to do that.

Mr. McLeod stated that the School District would prefer not to have to go down that road.

Mr. Hickey stated that he doesn't understand, given where we are, someone coming in requesting a subdivision of land that meets every Town Code and then someone is asking us to make a decision based on something that may or may not happen in the future. That's my concern. I think it sets a precedence that doesn't belong in the Planning Board.

Mr. Frateschi asked Mr. Trasher if the original Tax Cert complaint that much of this land is open land and you're assessing it too high so we have to subdivide out the open land.

Mr. Yager stated that it is his understanding that part of it was how they were assigning the value of the golf course to these two separate parcels is what the developer challenged, and the division of that value of the golf course.

Mr. Trasher stated that he doesn't know, he just provides maps and different things....I provided maps, they went out to attorneys and judges. I'm just here to subdivide a piece of property.

Mr. Hickey stated that this thing is going to continue to get developed and the assessment is going to do nothing but increase; as well as more homes being built.

Mr. Yager stated that there's \$23,000,000 worth of assessment in that development.

Mr. Trasher added that over the last year he has been in here for a hundred lot subdivision, the subdivision for the YMCA, the subdivision for Joe Alberici to buy 20 lots from Gary Pooler that weren't yet taxed...and that's all in the last six months.

Mr. Lester stated that he would like to read a part of the resolution into the record that he believes says everything that needs to be said:

***WHEREAS***, as a result of a Tax Certiorari settlement agreement (the "Settlement"), dated filed in the Onondaga County Courthouse on May 18, 2015, Index 2014 EF2892, the Town of Lysander, the Developer, and the Baldwinsville School District agreed to remove real property from the Subdivision for purposes of setting aside wetland and open space from the Subdivision, such property to be held by a land conservancy entity (the "Subdivided Open Space"), and to allocate the real property assessment to the residual parcel as set forth in the Settlement;

Mr. Frateschi stated that that is his understanding of the agreement but he doesn't know if that's actually accurate based on what we've heard this evening.

Mr. Yager stated that he would agree with that interpretation.

Mr. Kimball stated that he would like to give Mr. Frateschi the week he has asked for and condition the approval, even though the concern is more 'legal' than 'planning'.

Considerable discussion continued with regard to the assessment, proposed assessment, etc...Mr. Trasher questioned how much the farmers used to pay on this piece of property versus how much is paid on it now. I'm just losing my mind...I'm just the engineer. I live in Radisson, I pay taxes on my house and I'm the only guy in Radisson who pays taxes on an unbuildable lot, that doesn't have a house on it, it was never allowed. I have two lots, I pay my taxes and I don't care...if my taxes go up by 22 cents because this parcel comes out I could care less. I'm just one person. If other people really cared they would be here tonight.

Mr. Frateschi again stated that the only thing he is concerned about is to make sure we're not running afoul of the Judge's Order. That's the only thing I care about.

Continued discussion with regard to the assessments/acreage outlined in the Stipulation of Settlement & Order. The areas outlined in gold vs green. It's going to be open space whether it's part of the conservation area or the golf course.

Mr. McLeod stated that he hasn't had time to figure out what the differences between the two because he was just handed this yesterday, but I can tell you the differences between the two...

Mr. Frateschi stated that it would have been a good idea if Mr. McLeod called when he was handed this yesterday so we could have had this discussion then.

Mr. McLeod stated that at the time he didn't know it was urgent to get it done by March 1<sup>st</sup> so it could be exempt. March 1<sup>st</sup> is the taxable status date and it has to be separated by then so that portion can be exempt.

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

The TOWN PLANNING BOARD OF THE TOWN OF LYSANDER, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Lysander, located at 8220 Loop Road, Baldwinsville, New York 13027, County of Onondaga, State of New York, on the 4<sup>th</sup> day of February, 2016, at 7:00 p.m. The meeting was called to Order by John Corey, as Chairman, and the following were present, namely:

John Corey	Chairman
Joanne Daprano	Member
Hugh Kimball	Member
William Lester	Member
James Hickey	Member
To Be Determined	Member

ABSENT: Steve Darcangelo Member

The following resolution was moved, seconded and adopted:

**WHEREAS**, the Planning Board on January 22, 2007, granted Preliminary Plat approval with subsequent Final Subdivision Approvals that were substantially similar to the approved Preliminary Plat plan, per the Town Board's adoption of the Timbers General Project Plan in June 2006, last amended February 13, 2013, for the Timber Banks Development (the "Subdivision") submitted by Timber Banks, LLC (the "Developer");

**WHEREAS**, as a result of a Tax Certiorari settlement agreement (the "Settlement"), dated filed in the Onondaga County Courthouse on May 18, 2015, Index 2014 EF2892, the Town of Lysander, the Developer, and the Baldwinsville School District agreed to remove real property from the Subdivision for purposes of setting aside wetland and open space from the Subdivision, such property to be held by a land conservancy entity (the "Subdivided Open Space"), and to allocate the real property assessment to the residual parcel as set forth in the Settlement;

**WHEREAS**, the Subdivided Open Space is not buildable land, meaning it does not meet the Town of Lysander Code requirements for a buildable lot;

**WHEREAS**, all of the requisite State Environmental Review Act determinations and subdivision determinations for Timber Banks were undertaken during the 2006 General Project Plan and Subdivision Process and the amendments made thereto in 2013;

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board makes the following determinations:

1. The Subdivision would environmentally benefit the Town of Lysander by improving the wetland capacity in the Town and by creating more "open space" for the Town;
2. The Subdivision would not create any new infrastructure or residences and therefore the previous SEQRA determinations are not disturbed or changed by this action,
3. The Subdivision is necessary to conform to the Tax Certiorari Agreement entered into by the Town and the Developer on May 11, 2015.

And be it

**FURTHER RESOLVED**, that the Town Planning Board of the Town of Lysander, County of Onondaga, State of New York, hereby approves the Subdivision Plan, prepared by Clifford James Rigerman, L.S. for Pooler Development, Dated 12/3/15, Titled Subdivision Plan of Timber Banks Golf Course and Conservation Properties, File Name F:\ACAD\TimbersSWH\Boundarydwg\2-Timber Banks Overall Boundary.dwg; conditioned upon:

- 1) The attorney for the Planning Board will review the Tax Certiorari Settlement with the Town Attorney to insure that the subdivision as approved would not violate the Settlement Agreement;

- 2) that the Chairman is authorized to sign the final subdivision map after consultation with the Planning Board attorney and the Town Attorney as it relates to Condition No. 1; and
- 3) verify Paragraph No. 2 and Finding No. 3 and are accurate.

5 Ayes -- 0 Noes

Mr. Trasher thanked the board for their time.

2. Major Subdivision	Eldan Homes
Case No. 2016—001	Crimson Ridge, Phase 4

Steve Sehnert, Licensed Land Surveyor, represented the applicant stating that they are doing the final phase of Eldan Homes, Crimson Ridge, Phase 4, off of Samantha Drive, which is the same lay-out presented years ago, however we've pulled some of the lots away from some wetlands.

Hugh Kimball stated that at the last meeting there were questions with regard to the setbacks and whether Radisson will accept the wetlands.

Mr. Sehnert stated that it is outlined in the letter provided by the Radisson Community Association (RCA).

There is a letter on file from the RCA that will be read into the public record, in part:

CR3 Development, on behalf of Eldan Homes, has applied to the Planning Board for approval of a Major Subdivision, known as Crimson Ridge – Phase IV, for property located at Deep Glade Drive, Tax Map No. 075.1-02-04.1, Baldwinsville, New York. The applicant's proposal is to subdivide a 7.3 acre parcel into twenty-one (21) residential building lots. Maps of the proposed subdivision also show that a portion of the property is intended to be conveyed to the Radisson Community Association (RCA) becoming "common property" of the Association.

I have been asked to provide you with this letter to inform you that the RCA finds this project acceptable. Upon review of the Preliminary Plan, dated January 6, 2015, the RCA Board of Directors approves of this project, in as much as it fits the concept of a Radisson residential development, as per the General Project Plan (GPP). Our approval excludes, but is not limited to, drainage issues, engineering issues, existing or potential environmental concerns and non-compliance with applicable Federal, State, County, Town or local codes, standards or requirements. This approval relates to the Preliminary Plan we have reviewed. Any changes, of any nature, would revoke this approval and require another from us.

We were also asked to provide you with this letter to inform you that the RCA might be amenable to accepting this common area land conveyance provided that no impairment physical or otherwise is created on or to the land as a result of the subdivision of the aforementioned parcel or any construction activity associated with the subdivision that could become a liability to the RCA. These impairments include but are not limited to drainage issues, existing or potential environmental concerns and non-compliance with applicable Federal, State, County, Town or local codes, standards or requirements. Any decision to accept the proposed common area properties would be subject to a final walkthrough inspection (which would include items, such as: removal of debris, dead trees or any other potentially hazardous

conditions) of the property prior to conveyance and the approval of the RCA's board and its professionals.

The RCA is agreeable to the concept of entering into a maintenance agreement with the Town of Lysander for all of the stormwater management practices located within this parcel to be deeded to RCA. The details of said agreement are to be determined.

The developer is required to provide asphalt pathways as per the Radisson Declaration. The developer must complete the installation of pathways required as per the revised pathway plan (Pathway Plan 9-23-15) agreed upon and an additional 660' of asphalt pathway (Eldan Homes Path Construction) at a location mutually agreed upon (pathways located at Kerri Hornaday Park).

The developer is to be reminded that only trees necessary for construction are to be removed, there is to be no clear cutting of trees.

Dan Barnaba stated that he was involved with the original negotiations with the Community Association and it is his understanding that all of the remaining lands, wet or not, will be dedicated to the RCA when the developer is ready. The Association puts off that acceptance until all of the paths are built.

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 CR3 Development, on behalf of Eldan Homes, Crimson Ridge, Phase 4, Baldwinsville, New York, Major Subdivision application.

5 Ayes -- 0 Noes

The applicant has completed Part I, Project Information; Fred Allen, Chairman, reviewed Part Two—Environmental Assessment, with the board.

- Does the action exceed any Type I threshold in 6 NYCRR, Part 617.12? No
- Will action receive coordinated review as provided for Unlisted Actions in 6 NYCRR, Part 617.6? No
- Could action result in any adverse effects associated with the following:
  - Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? No
  - Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? No
  - Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? No

- A community’s existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? No
- Growth, subsequent development, or related activities likely to be induced by the proposed action? No
- Long term, short term, cumulative, or other effects not identified in the above questions? No
- Other impacts (including changes in use of either quantity or type of energy)? No

Is there, or is there likely to be, controversy related to potential adverse environmental impacts?  
No

RESOLUTION #6 -- 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 CR3 Development, on behalf of Eldan Homes, Crimson Ridge, Phase 4, Baldwinsville, New York, Major Subdivision application, the Planning Board issues a NEGATIVE DECLARATION.

5 Ayes -- 0 Noes

RESOLUTION #7 -- Motion by Corey, Second by

RESOLVED, that a Public Hearing be held at a date and time designated by the secretary, on the application of CR3 Development, on behalf of Eldan Homes, for a subdivision of property located at Crimson Ridge, Phase 4, Baldwinsville, New York, Part of Farm Lot No. 82 and Tax Map No. 075.01-02-14.1, for a development of twenty-one (21) lots from a parcel of 7.3 acres.

5 Ayes -- 0 Noes:

Mr. Sehnert thanked the board for their time.

IV. OTHER BUSINESS

- |                      |                |
|----------------------|----------------|
| 1. Major Subdivision | Eldan Homes    |
|                      | Twilight Court |

Dan Barnaba, Eldan Homes, stated that he has a situation on Twilight Court, Crimson Ridge Subdivision where the filed Tract Map for that section shows the wrong Side Yard Setback. I asked to be on the agenda to see if this can be handled administratively through the Code Enforcement Office or if it has to go before the Planning Board for approval. The Side Yard Setback is shown as 10' however 7 1/2 ' is what's required. It was basically a mistake in the printing of the filed tract map showing 10' vs 7 1/2 ' setbacks. We are getting ready to break ground on two lots that this would affect.

Karen Rice, Clerk, stated that as long as it complies with the Radisson Developmental Controls and the RCA signs off why not just go through the building permit process.

Tim Frateschi, Esq., questioned what the Planning Board approved.

Mr. Barnaba stated that the Planning Board looked at a map that had the wrong setbacks drawn; but they approved 7 ½' side yard setbacks at the on-set of the project for Village Lots and 10' Side Yard Setbacks for the Estate Lots. Essentially the Planning Board has approved both, the use of the narrower setbacks, but the map that was presented and signed that is on record at the County shows the wrong setback.

There was some discussion that the Planning Board 'missed' it at the time of subdivision approval.

Karen stated that the Planning Board didn't 'miss' it, they don't establish the setbacks, the Radisson General Project Plan does.

Mr. Barnaba stated that if they left the building envelopes off the plan, as they're not required, it wouldn't be an issue; but they're on there and they're filed.

Bill Lester stated that Radisson requires them.

Al Yager, Town Engineer, stated that Radisson requires them but that does not necessarily mean that they would have to be on the plat map to be filed with the County. With that being said, there are two ways this could go:

- 1) The Board could say that the Code Enforcement Officer could be authorized to issue a building permit as long as Radisson gives a letter stating the 7 ½' is acceptable, or...

Mr. Barnaba stated that that was our thought, we come in with an application with a note on the application that the RCA approves the setbacks on those two building permit applications. We do go through a compliance process with the RCA anyway.

Mr. Frateschi concurred stating that they're the ones who determine what the setbacks are unless this board has a problem with that.

It was determined that rather than go through the Planning Board, the builder should bring it to the attention of the Radisson Community Association and the Code Enforcement Officer during the building permit process.

Mr. Barnaba thanked the board for their time.

## V. NEW BUSINESS

- |                       |                   |
|-----------------------|-------------------|
| 1. Site Plan Approval | Anheuser-Busch    |
| Case No. 2016—002     | Variety Pack/ASRS |
|                       | 2885 Belgium Road |

Matt Fuller, Barton & Loguidice, represented the applicant for Site Plan approval for an addition to their facility on 2885 Belgium Road. The addition will be built on an existing paved site. We will displace some trailer parking to a parking area that was previously approved by this board.

The existing drainage features will be maintained. Run-off will come from roofs now instead of surface. Building plans have been submitted to the Town Engineer for his review.

Al Yager, Town Engineer, stated that he has some minor comments that he emailed to Matt. There is nothing of significance from a planning standpoint, just items that should be addressed. There were a couple minor comments on the SEQR, minor distance issues...I believe they said 2200' from the nearest residential structure where it's 1850'. Minor comments like that, nothing that would prevent us from doing a SEQR resolution.

Karen Rice, Clerk, stated that we're just doing Lead Agency tonight.

Mr. Yager concurred stating that we will be declaring this application a Type I Action and Lead Agency.

Bill Lester questioned the building height, more particularly it's no taller than what currently exists?

Mr. Fuller stated that the building won't be higher than the grain silos that were recently completed. You won't see the building from NYS Route 31.

Hugh Kimball questioned if this has been shown to the Fire Department.

Mr. Fuller stated that they have not met with them. We will sit down with them with detailed drawings.

Mr. Kimball questioned lot coverage and drainage.

Mr. Yager stated that there won't be a change in lot coverage. A letter will be provided by the Empire State Development Corporation. With regard to drainage, they provided a Stormwater Pollution Prevention Plan for the entire site.

**RESOLUTION #8** 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, and determined that this is a Type I Action, hereby designates itself as Lead Agency for Anheuser-Busch, 2885 Belgium Road, Baldwinsville, New York, Site Plan application.

5 Ayes -- 0 Noes

Since it has been determined that this is a Type I Action the secretary will send out letters to all involved and interested agencies indicating that they would like to be Lead Agency. Any involved/interested agencies have 30 days to respond. At the end of those 30 days a coordinated review will take place. Once that has happened the application will be back on the agenda for review and approval.

There being nothing further, Mr. Fuller thanked the board for their time.

## VI. OTHER BUSINESS

1. Schedule meeting date for the March 2016 Planning Board meeting (March 17th or 24th) as there is a conflict with both the 3<sup>rd</sup> and 10<sup>th</sup>.

It was determined the next regular Planning Board meeting will be held on Thursday, March 24, 2016 at 7:00 p.m.

Jim Hickey questioned the status of our two new board members.

John Corey stated that Steve Darcangelo has been appointed and hopes to make the March 2016 Planning Board meeting; if not it will be the April meeting when we go to the second Thursday. A notice is being put out to request applications for the other position and we will be holding interviews for that position.

## VII. ADJOURN

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

RESOLVED, that the Thursday, February 4, 2016 regular Planning Board meeting adjourn at 8:37 p.m.

5 Ayes -- 0 Noes

Respectfully submitted,

Karen Rice, Clerk