

TOWN OF LYSANDER
PLANNING BOARD SPECIAL MEETING
Thursday, February 20, 2014 @ 7:00 p.m.

The special meeting of the Lysander Planning Board was held Thursday, February 20, 2014 at 7:00 p.m. at the Lysander Town Building, 8220 Loop Road, Baldwinsville, New York.

MEMBERS PRESENT: Fred Allen, Chairman; Joanne Daprano; Hugh Kimball; John Corey and William Lester

MEMBERS ABSENT: James Aust and James Hickey

OTHERS PRESENT: Al Yager, Town Engineer; Zach Benjamin, Esq.; Steve Sehnert, Licensed Land Surveyor; Dan Barnaba, Eldan Homes; Frank Costanzo, ZBA; Vince Kearney, Belgium Cold Springs Fire Department and Karen Rice, Clerk

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

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

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| 1. Major Subdivision | Eldan Homes
Crimson Ridge, Section 5
Villa Ridge Court/Sabin |
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The Public Hearing opened at 7:02 p.m.

Dan Barnaba, Eldan Homes, stated that this is a 13 lot subdivision in Crimson Ridge, Radisson, which will include two lots on Sabin Road with an access easement between Lots 12 & 13 for the sewer system and pedestrian access to serve the lots on Sabin (trash pick-up, brush pick-up, as well as access to the amenities within Radisson. At the Board's request, the road has been adjusted to become a public road.

There were some minor changes made to the site plan since the last visit before the board; if it is approved this evening it will have to be contingent upon a final survey being prepared by Stephen Sehnert, Licensed Land Surveyor.

There is a letter on file from Lynn Tanner, Radisson Community Association, dated February 14, 2014, that will be made part of the public record, in part:

I have been asked to provide you with this letter to inform you that the RCA finds this project acceptable. Upon review of the Final Site Plan, dated January 2014, 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** (note: the Board assumes this should be "includes"), 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.

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. Prior to the conveyance of common area properties, the RCA will require that the "foundation ruin" (located near Lot #12) be buried or leveled off. Any decision to accept the proposed common area properties would be subject to a final walkthrough of the property prior to conveyance and the approval of the RCA's board and its professionals. The location of the Sanitary Sewer Easement and Access Easement must be noted in the deed for the properties of Lots #7, 8, 12 and 13 with instruction that no permanent structure (i.e. fence) can be erected in that easement, as that area is for use of Lots #12 and 13 to receive curbside services from the RCA.

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.

There are no pathways included within the Crimson Ridge Subdivision – Phase V, however the developer is required to provide asphalt pathway (195') elsewhere within the community, or a money-in-lieu-of arrangement, to be determined between RCA and the developer.

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.

The application was forwarded to the Onondaga County Planning Board for their review and recommendation, who have made the following recommendation:

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

1. Per the New York State Department of Transportation, no direct access shall be allowed to Route 31 for any proposed lots.
2. The applicant should consult with the U.S. Army Corps of Engineers regarding the location of federal wetlands on site.
3. The municipality and the applicant are encouraged to reduce stormwater runoff and improve stormwater quality as much as practical by reducing impermeable surfaces and utilizing green infrastructure, and to visit the Onondaga County Save The Rain Program web site at <http://savetherain.us> and contact the Onondaga County Department of Water Environment Protection.

There is also a letter on file from Al Yager, Town Engineer, dated February 20, 2014, that will be made part of the public record, in part: I have completed my review of the Preliminary Subdivision Plat for Phase V of the Crimson Ridge project prepared by Applied Earth Technologies. The developer has addressed all of the engineering comments from my previous review letter dated January 23, 2014. The Town Board has also passed a resolution approving the contract drawing for the project contingent on the Planning Board approving the preliminary plat. At this time I would not be opposed to the Planning Board granting preliminary plat approval to the Crimson Ridge, Phase V subdivision.

There being nothing further, the Public Hearing closed at 7:15 p.m.

II. APPROVAL OF MINUTES

Review and approval of the minutes of the January 23, 2014 Planning Board meeting.

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

RESOLVED, that the minutes of the January 20, 2014 special Planning Board meeting be approved as submitted.

5 Ayes -- 0 Noes

III. OLD BUSINESS

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| 1. Major Subdivision | Eldan Homes
Crimson Ridge, Phase 5
Villa Ridge Court/Sabin Road |
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There being nothing further, Mr. Allen proposed the following resolution:

RESOLUTION #2 -- Motion by Allen, Second by Lester

RESOLVED, that a Public Hearing having been held and there being no findings or grounds for decision contrary to the laws and regulations of the Town of Lysander, County of Onondaga or State of New York, Preliminary Plat approval for a thirteen (13) lot subdivision application by Eldan Homes, for property located at Crimson Ridge, Villa Ridge Court, Baldwinsville, New York, Part of Farm Lot No. 82, and Part of Tax Map No. 075.1.-01-02, as shown on a map dated January 2014, Sheet C201, prepared by Plumley Engineering, is hereby approved with the following modifications and conditions:

- 1) All outstanding fees associated with this application, including expert fees if applicable, and fees in lieu of land for public use are paid to the Town Clerk;
- 2) Preliminary Plat Survey to be prepared by Stephen Sehnert, Licensed Land Surveyor;
- 3) Town Engineer review the Preliminary Plat to see that it conforms with the Site Plan submitted this evening; and
- 4) Final letter of concurrence with the Radisson Community Association.

5 Ayes -- 0 Noes

Mr. Barnaba thanked the board for their time.

IV. NEW BUSINESS

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| 1. Major Subdivision
Movement of Lot Line | Eldan Homes
Crimson Ridge, Phase 3A-2 Amended
Lot 73, Samantha Drive |
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Stephen Sehnert, Licensed Land Surveyor, represented the applicant stated that this property is located in Phase 3 of the Crimson Ridge subdivision on Samantha Drive. More particularly Lot 73, which was originally smaller in size. The potential homeowner wants a bigger lot. We have

taken 40' from the adjacent parcel (Lot 74) and made it a bigger lot. We will add the other part of Lot 74 to Lot 75 in the future.

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

RESOLVED, that the Planning Board, having reviewed the application of Eldan Homes, for a subdivision of land for property located at Lot 73, Samantha Drive, Crimson Ridge, Baldwinsville, New York, Part of Farm Lot No. 82 and Tax Map No. 075.01.-01-04.1, as shown on a map dated May 22, 2013, revised October 24, 2013, prepared by Stephen Sehnert, Licensed Land Surveyor, it has been determined that the request for a division of land is not considered a subdivision of land and the Planning Board authorizes the Code Enforcement Officer to approve the division of land with the following conditions:

- 1). A survey map be prepared and submitted to the Chairman to the Planning Board for his review and approval, that identifies the boundaries of the division of land; and
- 2) A deed shall be prepared and submitted to the Attorney to the Planning Board for his review.

5 Ayes -- 0 Noes

Mr. Sehnert thanked the board for their time.

V. OTHER BUSINESS

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| 1. Info Only—Movement of Lot Line
"Minor Subdivision" | Peta, Joseph
Hayes Road |
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Joseph Peta owns several parcels on Hayes Road, some in his name individually and some in his corporation. For estate purposes Joe would like to subdivide off a 50' strip of land in the corporation's name (064.-03-19) and add it to his residential piece of property across the road that is in his name individually for river access (068.-03-07.1). the 50' strip would be coming from a parcel of approximately 2 ½ acres in size with more than enough frontage so that he won't be leaving an undersized lot, however, technically, that would be creating a non-conforming lot under the Subdivision Regulations and would require a visit to the Zoning Board of Appeals.

Zach Benjamin, Esq., stated that a simpler way of achieving this is with an easement across the property. The easement would still give him the access that they're looking for to get to the river. The access easement would need to specifically describe the portion of the vacant lot over which access is to be granted and describe who will be responsible for maintaining the easement. The easement would have to be recorded in the Onondaga County Clerk's office.

Karen Rice, Clerk, stated that his concern is with the properties being in two different names, individually and in the corporation. Does that matter with granting an easement?

Mr. Benjamin stated that it does not. They won't own the parcel but would have perpetual easement rights to access the river rather than cutting up the lot and combining tax parcels and having the street intersect. It's not unprecedented, but the easement would be the better way.

Karen stated that that would be the cleanest way to achieve what he wants.

Mr. Benjamin concurred stating that it would probably be the less expensive way as well.

It was the board's concurrence that an easement was the way to go because there's no guarantee that the parcels would be combined.

Mr. Benjamin stated that he'd be happy to put that in a letter for the board.

2. Status review of proposed changes to Chapter 139 Zoning and Chapter 117 Subdivision Regulations.

Fred Allen, Chairman, questioned how the board would like to proceed. This board's responsibility is mainly the Subdivision Regulations; however any changes there would be reflected in the Zoning Ordinance as well. Do you think that there's reason to making some changes?

It was determined that there are at least a half-dozen issues that should be addressed.

Mr. Allen stated that everyone has a copy of the draft, perhaps the document could be put in a Word document where we could make track changes of anything we would like to see changed.

William Lester questioned if we should hold off until we have at least a Draft Land Use Plan in place because there's going to be changes as a result of that as well....or maybe it makes sense to do it concurrently.

Al Yager, Town Engineer, stated that from the Town Board's perspective it may be a little easier to do all the changes at once and do only one Local Law.

Karen Rice concurred because you have to have hearings for all three, Zoning Ordinance, Subdivision Regulations and Land Use Plan.

VI. ADJOURN

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

RESOLVED, that the February 20, 2014 special Planning Board meeting adjourn at 7:44 p.m.

5 Ayes -- 0 Noes

Respectfully Submitted,

Karen Rice, Clerk