

PLANNING BOARD MEETING
Thursday, February 26, 2015 @ 7:00 p.m.
8220 Loop Road
Baldwinsville, NY 13027

The special meeting of the Town of Lysander Planning Board was held Thursday, February 26, 2015 at 7:00 p.m., at 8220 Loop Road, Baldwinsville, New York.

MEMBERS PRESENT: John Corey, Deputy Chairman; Joanne Daprano; Hugh Kimball; Bill Lester; James Hickey

MEMBERS ABSENT: Fred Allen, Chairman and James Aust

OTHERS PRESENT: Al Yager, Town Engineer; Tim Coyer, Ianuzi & Romans; Frank Costanzo, ZBA; Ken Landon; Steve Sehnert, Applied Earth Technologies; Dean Cummins; Vince Kearney, Belgium Cold Springs Fire Department; Joseph Case and Karen Rice, Clerk

The meeting was called to order by John Corey, Deputy Chairman, in Fred Allen's absence.

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

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| 1. Minor Subdivision | Coniber, John |
| Case No. 2013--015 | Cross Lake Road |

The Public Hearing opened at 7:00 p.m.

John Corey reviewed the application of John Coniber, for a two lot Minor Subdivision on property located at 7399 Cross Lake Road, Tax Map No. 036.-01-05, Memphis, New York, in his proposal to subdivision a 66 ½ acre parcel in half for estate purposes.

Tim Coyer, Ianuzi & Romans, represented the applicant stating that the original owner of the property "willed" the property to his two sons', one of those sons' has since passed away. It was always their intent to subdivide the property in half allowing each one one-half. This proposed subdivision is taking care of that wish. The property is located on Cross Lake Road at the intersection of Sprague Road, with approximately 1400' of road frontage, with a depth of over 2000' that runs to Cross Lake. There are some Federal wetlands in that area. We tried to divide it as evenly as possible. Lot 1 is going to keep the existing house and out-building; Lot 2 is vacant. There is an existing out-parcel owned by Constance Coniber (daughter of the deceased son) who will at some point in time combine Lot 2 with her existing parcel, but that is not proposed at this time and will remain under agriculture.

There being no comments, questions or concerns raised from the audience, the Public Hearing closed at 7:05 p.m.

PUBLIC HEARING -- 7:05 p.m.

2. Minor Subdivision
Case No. 2014—017

Cummins, Dean
Plainville Road

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

John Corey reviewed the application of Dean Cummins, for a two lot Minor Subdivision property located at the northeast corner of Plainville Road and Gates Road, Tax Map No. 044.-01-14..3, Plainville, New York, in his proposal to subdivide a 5.88 acres parcel from approximately 38 acres to allow the conversion of an existing office building into a single family residence.

Steve Sehnert, Applied Earth Technologies, represented the applicant stating that Mr. Cummins owns approximately 38 acres of land that was part of the former Plainville Turkey Farm with growing sheds, processing plant, office and visitor's center/sales room on the north end of the property. Mr. Cummins desires to remove from the overall parcel the office building/visitor/sales center from that 38 acres. Part of this process will also include a conveyance of 0.31 acres land to the adjacent house/property owned by Joseph & Brittney Case to give them more room to do something in the future. Access into Lot 1 was raised at the last meeting. There is plenty of frontage on Lot 1 to construct a second access, however right now it's current access is over the remnant piece. An easement for access will be provided and remain for as long as it's necessary. Another question that was raised at the introduction of this application was the sewage disposal system, more specifically whether it was on Lot 1 or the remnant piece. It has been brought to our attention during the Onondaga County Planning Board's review process and their discussions with the Onondaga County Health Department that at the current time the sewage disposal system for both the structures on Lot 1 and the remnant piece area all connected into this one disposal system. That can't stay that way once these two parcels become active. Also, to get the Health Department sign off we have to make some revisions to that. Mr. Cummins has determined that the existing sewage disposal system will go with Lot 1 and can be used right away. There is a septic tank that provides 3100 gallons, which is overkill for the residential property that they are seeking. What will also have to happen is they will cap the sewage line that comes from the former plant, which is not in use at the present time as the buildings are vacant. There is a pumping station that has been designed to pump sewage up there. The septic was designed to accommodate 150 employees. Mr. Sehnert continued stating that he has talked with Jeff Till, Onondaga County Health Department, who is willing to allow this subdivision process by the Health Department and sign off on it if Mr. Cummins gives him a letter with Mr. Cummins' understanding that he can't have two properties on the same sewage disposal system. He will cut off and cap the line that comes from the plant into this system at the time that he comes back to this board for a site plan approval to bring any of this plant and any other possible uses, that he will (unclear) on-site sewage disposal. At the present time we can't do that because there's no use, no knowledge as to what type of Codes will be required to serve this property. No alterations of the site are going to occur with this subdivision, it will simply be converted into living space.

Al Yager, Town Engineer, stated that he feels it would be prudent to have some sort of inspection of the disconnect of the sewage disposal system, whether it be by the Health Department or the Town, before the final map is filed. This time of year it's obviously difficult, not that we want to hold Mr. Cummins up, but this is something that should be verified by somebody. I'm assuming the Health Department or the County Water & Environmental Protective Agency would want to do see it excavated, cut and capped.

Mr. Sehnert stated that that could be difficult because there is one unfortunate thing that never happened, it never got inspected by the Health Department.

Mr. Yager stated that that will make it harder to find the force main that comes from the processing plant...that's why somebody should actually witness the excavation, cutting and capping before the map is filed. That is the only comment I would have. From a subdivision standpoint the lot conformance is fine.

James Hickey questioned what happens, once this is disconnected, to the buildings that have facilities in them and they start using them again.

Mr. Yager stated that it will back up into Mr. Cummins' facility, obviously isn't desirable. Mr. Yager questioned if there was power on in the processing plant.

Mr. Cummins concurred, the heat is on, the water is not.

Mr. Yager questioned if there is a separate well for that facility.

Mr. Cummins stated that technically yes, it comes from three wells down on the river on property that we own.

Mr. Yager questioned if the house (Lot 1) has well service.

It was determined that Lot 1 has a separate well on site.

Mr. Yager stated that the applicant is assuming a pretty big risk once you disconnect that sewer.

Mr. Cummins stated that the water isn't on in there. Hopefully when the Town gets back in touch with me as to whether they will allow me a Special Use Permit to use the property for the intended use when I bought the property...if that is granted then a leech field will be put in on the property in another location. If it's not granted, what do I need to put it in for.

Mr. Yager concurred stating that it's hard to design a system when you don't know what use it's going to have. I certainly understand that, but again, just from a practicality standpoint I would say that somebody should actually witness the excavation, cutting and capping of the force main from the processing plant to Lot 1, especially when there's no records of it and nobody knows exactly where it is, before the map is filed.

Mr. Hickey stated that he's still concerned with the operation of the septic tank.

Mr. Yager stated that he would assume that there's a check valve in the septic valve, by code there should be...

Mr. Hickey stated that they indicated that it wasn't inspected, so we don't know that.

Mr. Yager concurred stating that at the very least if they disconnect it outside of the valve and then it's not operational.

Mr. Hickey stated that he understands the situation, but if Mr. Cummins doesn't get his special use permit, what gets inherited at a later date...what are our obligations vs the County with this pipe that could potentially be reconnected.

Mr. Sehnert stated that it's ultimately the Health Department's responsibility. We can't get past them in the filing of this map unless they're satisfied. They are the final say of any subdivision.

Mr. Yager asked if the applicant has anything in writing from the Health Department saying they are willing to accept it.

Mr. Sehnert stated that he doubts they will provide that, having tried different things in the past. They told us to bring in the letter, the plans and if it meets their satisfaction they will sign off, if not they won't.

Mr. Hickey suggested a resolution subject to a letter from the Health Department stating that it meets their requirements. That would give a paper trail.

Mr. Yager stated that is something that could be done at the board's discretion.

Mr. Kimball stated that the board would like a copy of the initial letter to the Health Department from the applicant as part of the public record.

Mr. Sehnert concurred.

Mr. Cummins stated that he would prefer, if possible, the board put a date out when the weather's permitting as part of any conditional approval. The contract for the sale is conditioned upon getting this property subdivided. The involved attorney's just wanted to know if there's a subdivision. I'd like to close on this mid-April, if we could set a date at no later than May 30th that I will have that cut and capped. Mr. Yager could come out and witness this being done. We have no reason not to...

Mr. Yager concurred stating that he doesn't think Mr. Cummins' goal of closing in April is unrealistic at all. The frost is two foot deep, you could dig through it need be, it depends on how fast you want to move this along. There's no reason at all that we couldn't accommodate your request.

Mr. Cummins stated that nobody's using the facilities, there's no water in either one of the facilities. We still have to drill a well before closing for Lot 1. There's a 60,000 gallon reservoir underground behind the plant that had water pumped from the river up there that supplied the whole situation.

Mr. Yager stated that it's going to take longer for you to get your well drilled than it is to cut and cap that force main.

Mr. Cummins stated that he would like to do it in decent weather. I have kept the property maintained, I don't want to...

Mr. Yager...have mud tracks through the lawn, totally understand.

Mr. Cummins stated that nobody is using the water, I can have an affidavit prepared stating that. I hope to have the well done in May when the weather is more permissible. I can sign an affidavit stating that a well will be dug before water is even run in either one of the facilities.

Mr. Hickey stated that he's not trying to hold the applicant up on the process, just wants to make sure the County is satisfied for both the well and septic.

Mr. Yager stated that from a Town aspect there is nothing in our Town Code that prohibits the two lots having the same leech field. From a County Health Code is the problem. From a Town Code standpoint, there is nothing in our Town Code that says they can't have it...it's not good practice and it's not compliant with the County Health Department Code.

Mr. Hickey stated that we'd have to have a major revision to our resolution saying that it meets the requirements of the law...we'd have to redact to County's resolution, it's not a small redaction.

Mr. Yager stated that to do a vote tonight would require a super majority, right Karen...

Karen Rice, Clerk, stated a majority plus one...

Mr. Yager stated that if the board is comfortable going forward they could put it up for resolution or we could hold the Public Hearing open until the March...

Karen stated that it's March 16th and we'll have a full board.

Mr. Yager concurred stating that it would give them time at the very least to cut and cap the forced main. As far as water service, that's another County Health issue not a Town Code requirement.

Mr. Kimball stated that part of this application involves enlarging the Case lot; have we seen anything in writing from Case saying he's agreeable to this?

Joseph Case, Plainville Road, made his presence known and stated that he and his wife are aware of the extension of 30' to the south and 50' to the east and both agree to it.

Mr. Kimball stated that the board doesn't want to be in a position of giving land to somebody who doesn't want it.

Mr. Case stated that they want it and that's why they showed up this evening.

Mr. Sehnert stated that he has completed an application and short form SEQR for that proposal.

Karen stated that she will make a separate file but keep it with this application with its own resolution.

John Corey questioned if the attorneys are still going to be willing to go ahead if all you have is a conditional approval and the conditions haven't been met yet? What would you gain by us voting on a conditional approval this evening, rather than take a little more time to get more of these pieces in place. It's a short turn around to our next meeting...March 16th.

Suggestions:

- A copy of the applicant's letter to Jeffrey Till, Onondaga County Health Department about his intentions.
- A sign-off from Mr. Till stating that he's ok with the subdivision going forward.

Mr. Cummins questioned if the board is looking for a letter from the Health Department or do you want it cut and capped.

Mr. Yager stated that he personally thinks the Health Department is crazy to accept just a letter rather than actually having somebody witness it being that it would be a clear violation of the Onondaga County Health Code if it didn't happen. I would think that they would want to have somebody actually look at it since the actual leech field was apparently not inspected and was put in under the cover of darkness.

Mr. Cummins stated that that's not totally correct. There are plans of the system that are available and they had the plans, it was totally engineered, they just didn't come out and inspect the system.

Mr. Sehnert concurred stating that there were approved plans, it was just never inspected, which is truly odd.

Mr. Hickey stated that in putting together our resolution we have to consider the letter from the County stating that we have an illegal situation. You are asking us to approve something that is currently illegal without us knowing a) How it's going to get corrected; and b) when it's going to get corrected. We're being told that just a letter from you to the County is going to suffice them.

Mr. Kimball reiterated that Lot 1 does not have its own water.

Mr. Cummins stated that technically Lot 1 and the remnant piece doesn't have its own water on that location. It's plumbed in but it's shut down. I told the buyer that I'd drill him a well. That will be done before closing.

Mr. Kimball stated that the buildings are already there, if we do a subdivision with the knowledge that it's going to be lived in we're creating a building lot for a house without water...

Karen stated that we do that all the time...without water or septic.

Mr. Yager concurred stating that they just won't be able to get a C-O without both.

Mr. Kimball stated that he would like to see how much more can be accomplished between now and March 16th. At least the letter from the applicant to Mr. Till with a copy to Karen so that we know the process is attempting to go forward.

Mr. Sehnert stated that that won't be a problem, getting a letter back from the Health Department is a very unlikely situation to occur.

Mr. Hickey stated that he'd like any resolution prepared based on the legality of the situation, not the what if's.

It was suggested that Zach Benjamin, Planning Board Attorney, attend the next meeting to guide the board on this application.

Mr. Cummins questioned who the board wants to witness the cutting of the pipe.

Mr. Yager stated that he will coordinate with Jeff and see what the best way to address that is.

Mr. Cummins stated that he might better get it done before the next meeting then I won't have the obstacle that's there.

Mr. Yager stated that that would be the biggest obstacle out of the equation. You still have the water supply issue, but that's not as big of an issue because that's not a health code violation per say because there's nobody living there. At least we wouldn't be passing a resolution that approves a subdivision that's illegal by County Health Code if you have that taken care of.

William Lester stated that the letter should also mention that the cutting and capping will be inspected by either the Town or the County and when you cut, you cap both ends because I assume where you're cutting it's going to be downhill from your septic tank. It's better to cap than to guess.

Mr. Yager concurred, especially if there's not a check valve in the tank where the force main comes in. Realistically you're probably going to have to dig and cut both ends to really know that you're not creating a problem for yourself if that tank ever backs up and we're not approving a subdivision that isn't legal by County Health.

Mr. Corey stated that this action has been referred to the Onondaga County Planning Board who have determined that the application be DISAPPROVED for the following reason:

Onondaga County Health Department records show that structures on both proposed lots (Lot 1 and the remaining lands) are served by a single septic system located on proposed Lot 1 as well as a single water source. It is illegal to service more than one parcel with a common private sewage or water system. Provisions for legal sewage disposal and water systems must be provided for each lot prior to Department endorsement of the subdivision plan.

Mr. Cummins questioned if water is going to be an issue as well, according to their findings.

Mr. Yager stated that by that letter it technically states that per the County Health Code it's not legal to serve two separate lots with sewer or water.

Mr. Lester suggested that the applicant's letter stated that you're going to put a well in to service Lot 1 and the remaining water service would remain with the remnant piece. I can understand the quandary of why you don't want to design a septic system when you don't know what the use of the facility is going to be. I can appreciate that. That is certainly something that can be dealt with in the future. You don't ever want to put something in the ground that's not going to meet your needs in the future and have to change it after the fact.

Mr. Hickey questioned if the water system is servicing the Case residence.

Mr. Yager stated that it is not.

Mr. Hickey reiterated that nobody could occupy anything from a Town standpoint until...

Mr. Yager stated that you wouldn't necessarily have to get a C-O unless you pull a permit to do structural changes to the house.

Mr. Hickey asked where does this leave us with the water system?.

Mr. Yager stated that until it has a separate source, per County's findings, it's not a legal subdivision, it needs both sewer and water.

Mr. Hickey questioned where the water comes from now, from Lot 1 to the remnant piece?

Mr. Cummins stated that at one time it serviced five or six houses, the house that Mr. Case has until they drilled their own well...I believe the water system that was feeding that came up from the river to the reservoir and distributed from the reservoir. There was a house across the road, a house up the road towards Plainville, Bitz's whole operation...

Mr. Yager reiterated that the water is not functioning at the current time and questioned if the well could be up and running by the next meeting.

Mr. Cummins stated that that's not likely. My well driller won't even drill right now, it's too cold he said.

Mr. Yager stated that he doesn't want to beat his equipment up and he understands that. Hydraulics in these temperatures don't get along.

Mr. Hickey questioned if there was something we could do to get around that letter...

Mr. Kimball stated that we can override the County's recommendation. I would be amenable to override if we resolve the sewer problem and have some kind of a firm plan as to how the water is going to be.

Mr. Yager stated that the board can do the approval contingent upon the well being drilled. Once the well is being drilled we can have the chairman sign the map and go file it. You can't close until that's taken care of anyway. It's not necessarily holding you up, you'll have your resolution saying the subdivision is approved once you complete the water service to Lot 1.

Mr. Hickey questioned where that leaves the remnant piece with the water service.

Mr. Yager stated that there's a reservoir with a pump in it that feeds the remnant piece. Further, why don't we shoot for that for the 16th of March. That will take care of the sanitary sewer issue and the board can give you a conditional resolution saying you have to complete a water system for Lot 1 prior the map being filed.

Mr. Cummins stated that he probably can get a letter from Caster Well Drilling saying they are scheduled to drill the well.

Mr. Yager stated that that would be adequate.

Mr. Kimball concurred stating that anything going in the right direction. Your letter to Mr. Till as to what your intent is, Al can confirm that, Karen gets a copy of it. All of the things that you can get out of the air is just going to make it a lot easier for us to override County.

Mr. Case questioned if his subdivision contingent on this being approved.

Karen stated that it's all on the same map so it will be acted upon when this subdivision is approved and will be filed at the same time.

Mr. Sehnert and Mr. Cummins thanked the board for their time.

The Public Hearing adjourned at 7:38 p.m.

II. APPROVAL OF MINUTES

Review and approval of the minutes of the January 22, 2015 regular Planning Board meeting.

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

RESOLVED that the minutes of the January 22, 2015 special Town of Lysander Planning Board be approved as submitted.

5 Ayes -- 0 Noes

III. OLD BUSINESS

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| 1. Minor Subdivision | Coniber, John |
| Case No. 2013--015 | Cross Lake Road |

There is a letter on file from Al Yager, Town Engineer, dated February 26, 2015, stating that he has completed his review and overall it appears that the site conforms to all applicable Town Code requirements, further stating no objections with the Planning Board approving the Minor Subdivision.

FINDINGS:

An environmental assessment indicates that this action will not result in any significant or adverse environmental impacts.

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

This action is consistent with the Town's current zoning ordinances.

This action has been referred to the Onondaga County Planning Board who have determined that the referral be acted upon by the referring board with the following modification:

Per the Onondaga County Department of Transportation, access to Cross Lake Road will be determined by the availability of sight distance and the applicant is required to obtain a permit for any proposed driveways and prior to any proposed work within a County right-of-way.

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

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

RESOLVED, that a Public Hearing having been held and there being no findings or grounds for decision contrary to the laws and regulations of the Town of Lysander, County of Onondaga or State of New York, Final Plat approval for a two (2) lot subdivision application by John Coniber for property located at 7399 Cross Lake Road, Memphis, New York, Part of Farm

Lot No. 91 and Tax Map No.036.-01-05, as shown on a map dated April 21, 2014, prepared by Ianuzi & Romans Land Surveying, is hereby approved.

5 Ayes --- 0 Noes

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

RESOLVED, that in granting a subdivision to John Coniber for property located at 7399 Cross Lake Road, Memphis, New York, the Planning Board invokes its right to impose a fee of \$150.00 per lot for one (1) lot in lieu of land for the development of parks, playgrounds, recreation or open land areas in the Town.

0 Ayes -- 5 Noes (Both parcels are under agriculture).

State law states that the applicant shall file the final plat in the Onondaga County Clerk's office within sixty-two (62) days from the date of final approval or such approval shall expire. The applicant shall also file one copy of the final plat in the Lysander Clerk's office.

Mr. Coyer thanked the board for their time.

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| 2. Minor Subdivision | Cummins, Dean |
| Case No. 2014—017 | Plainville Road |

This item will be tabled until the March 16, 2015 regular Planning Board meeting.

IV. NEW BUSINESS

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| 1. Movement of a Lot Line | Merle, Scott—Merle Builders |
| Case No. 2015—002 | 8248 Luchsinger Lane |

Steve Sehnert, Licensed Land Surveyor, represented Scott Merle, Merle Builders, stating that somewhere along the line the requirements for a 10' side yard in the Radisson Development had gotten lost throughout the years and a house got built on Lot 5A of the Clare Park Subdivision by Scott Merle. It is 9'8" off of the side yard. It was brought to our attention when someone decided they didn't like that. We did a little investigating and found that there are other subdivisions where there is only 7 ½' side yards put on the maps. There was nothing put on this map so everybody forgot about this 10' side yard setback now in the Radisson Residential Controls. Fortunately the same person that sold Scott Lot 5A, also owns Lot 4, so there was an opportunity to pick up the remaining land to make the house 10' off of the property line.

Al Yager, Town Engineer, stated that this keeps them from having to go before the Zoning Board of Appeals for a variance application that would entail a Public Hearing. It simplifies it so that everyone can move on. What has become Lot 4A is undeveloped at this time, the developer is willing to grant the 0.2' required to make it a compliant lot so the buyer can get their Certificate of Occupancy and move on with their closing.

William Lester stated that there has been at least four pages of emails that that have gone through Radisson. It went through the Board of Director's last night. This is a fantastic solution.

Mr. Yager stated that this was the simplest to put this behind everybody and reiterated same in a letter on file dated February 26, 2015, stating that he has completed his review and finds that the revised lot dimensions meet all Town Code and Radisson Land Use requirements, further stating no objections with the Planning Board approving the movement of the lot line and the revised subdivision map.

FINDINGS:

A separate environmental impact study is not required since this action is part of the Radisson Planned Unit Development and is consistent with the SEQR review that was included in the Radisson Land Use Plan.

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 as they are not creating a new lot.

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

RESOLUTION #4 -- Motion by Hickey, Second by Daprano

RESOLVED, that the Planning Board, having reviewed the application of Scott Merle, Merle Builders, on behalf of Carlyle Smith, for the Movement of a Lot Line for property located at 8248 Luchsinger Lane, Baldwinsville, New York, Part of Farm Lot No. 82 and Tax Map No.075.-03-32, as shown on a map dated February 19, 2015, 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 Chairman and/or Deputy Chairman of the Planning Board to approve the division of land with the following conditions:

- 1). A deed shall be prepared and submitted to the Planning Board attorney for his review.

5 Ayes -- 0 Noes:

Mr. Sehnert thanked the board for their time.

V. ADJOURN

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

RESOLVED that the February 26, 2015 special Town of Lysander Planning Board meeting adjourn at 7:48 p.m.

5 Ayes -- 0 Noes

Respectfully submitted,

Karen Rice, Clerk

