

TOWN OF LYSANDER  
ZONING BOARD OF APPEALS  
Monday, March 6, 2017 @ 7:30 P.M.

The special meeting of the Town of Lysander Zoning Board of Appeals was held Monday, March 6, 2017 at 7:30 p.m. at the Lysander Town Building, 8220 Loop Road, Baldwinsville, New York.

- MEMBERS PRESENT: Frank Costanzo, Acting Chairman; Brian Corrigan; Frank O'Donnell and Steve Jordan
- MEMBERS ABSENT: Richard Jarvis, Chairman
- OTHERS PRESENT: Joe Saraceni, Supervisor, Jim Stirushnik and Karen Rice, Clerk

Frank Costanzo, Acting Chairman, called the meeting was called to order at 7:30 p.m. and welcomed newest board member Steve Jordan.

I. NEW BUSINESS -- 7:30 p.m.

1. Recommendation: Town Board with regard to amending the Town of Lysander Zoning Map, more particularly removing some parcels from the Incentive Zoning District.

Frank Costanzo, Acting Chairman, stated that at the request of the Town Board they would like a recommendation on amending the Zoning Map of the Town of Lysander and asked that Joe Saraceni, Supervisor, speak on behalf of the Town Board.

Mr. Saraceni stated that he had a conversation with Bob Geraci this evening who gave permission to share his concerns specifically with the Incentive Zone (IZ) west of 690. His concern is primarily revolved around density and character of the Town west of 690. He has been fairly consistent and open publicly with that concern.

Mr. Saraceni stated read the purpose and intent of IZ into the record:

The Town Board has determined that it is appropriate to make adjustments to permissible density and area requirements for specific purposes of preserving farmland and open spaces as well as to promote the extension of roadways, sewers and other such amenities at a minimum cost to the residents and tax payers.

Mr. Saraceni stated that when he looked at some of the reasons why the area was chosen in the IZ west of 690 it was communicated to me that, that portion were largely modeled after the TDR (Transfer and Development Rights), which were based on sending and receiving areas for density. Upon learning that I didn't think that it really reflected the purpose of the intent of the IZ. The next thing I wanted to understand was...at a minimum cost to residents and tax payers as far as infrastructure, I wanted a

better understanding of the IZ and how much infrastructure would have to be added to accommodate higher density in those lands. Basically we looked at a topographic map for sewers to see where additional pump stations for infrastructure would have to go to push sewer uphill. It was determined that a large portion of the north section of the IZ wouldn't reflect the intent of IZ so I didn't think it made sense. We want to reduce the cost of infrastructure, but you'd have to add pump stations for additional infrastructure to get sewage from those north areas. I thought that defeated the purpose and the intent of the IZ.

Mr. Saraceni stated that that was why he was open to removing property in those IZ's. There's still an opportunity to extend sewers to areas of the Town further to the west. That might be accomplished by leaving the IZ's that we did.

Mr. Saraceni continued stating that for the record, there was a majority of the board as far as a modification of the map; however there is a section on Emerick Road that I thought should remain in the map. I was not in the majority but I thought that it should be noted that there is a section that has been removed from this map that I feel should have remained because it can accommodate gravity sewers and no additional infrastructure would have been required in that segment of the IZ.

Karen Rice, Clerk, stated she had a conversation with Mr. Geraci who asked that his comments be made part of the public record:

- It was unanimously voted on by the board to take those properties out of the Incentive Zone.
- It is for the preservation of open space and farmland.
- It can still be developed under the AR-40 zoning district (40,000 square foot building lots,
- It can be developed as a Cluster Development which would be less infrastructure.
- This area doesn't merit more dense development.

Mr. Saraceni stated that the vote was unanimous to put forth the modification of the map, not for that one section of land on Emerick Road.

Brian Corrigan questioned if the properties are in question have been in the same ownership prior to the IZ being put into play.

Karen stated that we could go back and look to compare when they were notified years ago to the most recent notification. It goes by tax map parcel, so they were notified, whether they are the same owners or not we'd have to go back and review the legal notices.

Mr. Saraceni stated that to the best of his knowledge every homeowner/tax parcel in that incentive zone was notified of our intension to make the change because we also put in a request to 'walk' that land. People got back to us and we did have an opportunity to walk a good portion of that property. As far as since then and the land changing hands...I'm not sure.

Karen stated that she prepared the addresses that are part of your package on behalf of the Town Clerk, all the parcel owners were notified.

Mr. Corrigan questioned if we received any communication with any of those owners.

Karen stated that she did not, but it was a Town Board function. I don't know if Dina (Falcone, Town Clerk) has.

Mr. Saraceni stated that there is an owner in the Whispering Oaks Development that is looking to sell some land but I don't know if that has happened.

Karen stated that it has not. They own approximately 25 acres and are conveying a portion to three or four neighbors and will retain the remnant piece. They are going through the process with the Planning Board as a 'movement of a lot line'.

Mr. Saraceni stated that he talked with that landowner and they don't have any intention of developing the remnant piece.

Jim Stirushnik, Dinglehole Road, stated that he believes this is a minor first step in eliminating the whole district. I see it as being used to provide infrastructure for developers to continue to develop. It's not being used to improve the Town. The original TDR did provide preservation of farmland in a significant manner. This does not at this point.

There being nothing further, Mr. Costanzo read the following resolution into the record and asked for a Motion:

Mr. Corrigan stated that he would make the motion, with the opportunity for discussion.

RESOLUTION #1 -- Motion by Corrigan, Second by Jordan

RESOLVED, that the Zoning Board of Appeals, at the request of the Town Board, recommend adoption of the amended Town of Lysander Zoning Map dated January 2017.

DISCUSSION:

Brian Corrigan thanked the Clerk for putting the meeting materials together, Mr. Saraceni for making the presentation and Mr. Stirushnik for his comments. Further, I've looked at the parcels and that's where I came up with the question of ownership. I questioned if there would be any undue hardship on anybody. No evidence has been presented that changing this back, resolving to amend it, would in any way harm anybody, prior to the incentive zone being there, so I just wanted to make that part of the record. In addition...I thought a lot of the plan for the Town was directed towards peninsula.

Frank O'Donnell stated that he was under the impression that the Incentive Zoning districts were formed in part to alleviate septic systems along the Seneca River, more particularly in this case being able to run public sewers from the Whispering Oaks subdivision up to Seneca Estates. There are at least 70 houses in Seneca Estates that should come off of septic systems and onto public sewers. Eliminating this portion could adversely affect the possibility of Seneca Estates receiving sewers. In speaking with a few residents who were looking forward to that happening.

Joe Saraceni, Supervisor, stated that there is a large agricultural parcel owned by the Hafner family that has been left in the Incentive Zone (IZ), which is along Route 370 and can still accommodate the extension of sewers to Dunham Road if Hafner's decided to develop their property. I don't think the IZ ever got sewers all the way to Seneca Estates. I think there is a significant amount of land between them.

There was some discussion with the two parcels across the road from the Hafner property.

Karen Rice, Clerk, stated that both are vacant parcels, zoned R-20 but not part of Seneca Estates.

Mr. O'Donnell stated that he is not in favor of anything that would stand in the way of Seneca Estates receiving sewers.

Brian Corrigan questioned if a cost analysis has been done...you mentioned retaining a parcel in the IZ because it would be at a minimal cost to the tax payer and that keeping the remainder in would be counter-productive to the average tax payer because of the amount of infrastructure that would be necessary.

Mr. Saraceni stated that a feasibility impact study was not done on the removal of this area. The analysis that I used to make my determination was to utilize Al Yager, Town Engineer, because sewer based on gravity...what area of the IZ could accommodate by gravity. Understanding that the areas that need additional infrastructure, whether it be grinder pumps or a sewer lift station...that was the line that helped me make my determination. As far as doing an estimate on the number of homes and whether or not it could support that infrastructure that was not done. Obviously the goal is to not have that type of infrastructure in place because of the high cost of replacement. I will say the original thought on the IZ were because of the oversized sewer line that was put in to accommodate Whispering Oaks, the thought was that the more people you have on that line the less it would cost to ultimately maintain that infrastructure, which is fine and makes sense up until the point that you have to add additional infrastructure to get sewer to the line. That's where I drew my line. As far as having an actual feasibility...we don't know what the density would be. We don't know if they're ¼ acre lots, ½ acre lots...we don't know what would be proposed in that area. There's a lot of flexibility in the IZ. You can put apartment complexes in there. It was difficult to try to determine what that impact would be on future development. I kept it simple and took it from a gravity feed standpoint where I believe the 54± acre parcel on Emerick Road should remain because it could accommodate gravity sewers to the existing line without additional infrastructure aside from the basic sewers.

Mr. O'Donnell questioned if the Cabbage Patch Development will be served by gravity sewers.

Mr. Saraceni concurred stating that that's his understanding. They're going to tie into the sewer lines in Whispering Oaks and it's going to be fed by gravity. I don't recall any discussion about any lift stations being required. Actually, the developer has agreed to extend the stub to Emerick Road so that the development that is across the street (Irene Drive) can tie in if at any time their septic systems start to fall. They would have easier access to that gravity fed line.

Mr. Corrigan questioned if the line runs into the pump station at the end of Artillery.

Mr. Saraceni concurred.

VOTE: 3 Ayes -- 1 No

Corrigan Aye

Jordan Aye

Costanzo Aye

O'Donnell No

## II. APPROVAL OF MINUTES

Review and approval of the minutes of the January 9, 2017 special Zoning Board of Appeals meeting.

This item will be tabled until such time that we have a full voting board as Brian Corrigan was absent from the January 9, 2017 Zoning Board of Appeals meeting and Steve Jordan was not appointed at that time.

## III. ADJOURN

RESOLUTION #2 -- Motion by Costanzo, Second by O'Donnell

RESOLVED, that the March 6, 2017 special Zoning Board of Appeals meeting adjourn at 7:52 p.m.

4 Ayes -- 0 Noes

Respectfully submitted,

Karen Rice, Clerk