

TOWN OF LYSANDER  
PLANNING BOARD MEETING  
8220 LOOP ROAD  
Thursday, March 9, 2017 @ 7:00 p.m.

The regular meeting of the Lysander Planning Board was held Thursday, March 9, 2017 at 7:00 p.m. at the Lysander Town Building, 8220 Loop Road, Baldwinsville, New York.

MEMBERS PRESENT: John Corey, Chairman; Joanne Daprano; Hugh Kimball; William Lester; James Hickey; Steve Darcangelo and Jerry Hole

OTHERS PRESENT: Al Yager, Town Engineer, Tim Frateschi, Attorney to the Planning Board; Solar Liberty Representatives; Frank Costanzo, ZBA; Matt Speach, Belgium Cold Springs Fire Department; Gene Dinsmore, Highway Superintendent; Anthony Emmi; Joe Emmi; Peter Moore, Town Board; Joe Saraceni, Town Supervisor; Tim Budd; Jeff Burch and Karen Rice, Clerk

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

I. PUBLIC HEARING—None Scheduled

II. APPROVAL OF MINUTES

Review and approval of the minutes of the February 9, 2017 Planning Board meeting.

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

RESOLVED that the minutes of the February 9, 2017 regular Planning Board meeting be approved as submitted.

6 Ayes -- 1 Abstain (Lester was not present at the 2/9/2017 meeting)

III. NEW BUSINESS

- |                        |                      |
|------------------------|----------------------|
| 1. Controlled Site Use | Solar Liberty Energy |
| Case No. 2017—004      | Emmi Farms, LLC      |
|                        | 1390 Vann Road       |

Michael Prinzi, Solar Energy, Senior Project Manager of Construction & Development  
Katie Jablonicky, Associate Project Manager for the Emmi Farms Solar Project, represented Emmi Farms, LLC.

Ms. Jablonicky stated that Solar Liberty is proposing to design and install a 2.2 megawatt system which entails 7200 solar panels over a seven (7) acre area for Emmi Farms on Vann Road. Solar Liberty will be doing this project as a remote net metering project, which means that the Emmi Farms cannot only use all of the power that is being produced at site, but they

can also remote net meter that meter to existing satellite accounts they might have for their other businesses. All of the power will be used by Emmi Farms and other companies listed under their names. We are not going to have much ground disturbance because we will be using driven piles. We are planning to put a berm in along the edge of Vann Road so that it won't be visible by spectators. We are currently going through environmental testing of the site.

Mr. Prinzi added that they will go through SEQR form with the board, assuming you will act as the Lead Agency. We will be contacting the NYS DEC to see if there are any other required permits applicable, wetlands, endangered species, etc... The site will have a civil survey done, stamped by a professional engineer. We have submitted a preliminary SWPPP and have received some comments back from Al Yager, Town Engineer. We are starting to address some of the other comments as well from the letter received this afternoon. The setback requirement mentioned in the letter will be looked at...we have options.

Mr. Yager stated that you could combine the 2 parcels to maintain the side yard setback.

Mr. Prinzi questioned if there was something they could do if they can't meet that setback.

Mr. Yager stated that you could apply for an Area Variance with the Zoning Board of Appeals.

Mr. Prinzi continued stating that they are in the relatively preliminary conceptual design stages, but we'll seek to meet the Town's comments and go from there.

John Corey, Chairman, reiterated that Solar Liberty is going to install it; who is going to be the owner and operator.

Ms. Jabloniky stated that Emmi Farms will own the project outright so there won't be any PPA's or lease. It will be owned directly by Emmi Farms.

Mr. Prinzi stated that across New York State this will probably be one of the only purchased systems. A lot of the work we do are PPA's and leases. This is a benefit to them that they're going to have a unique project here. They own the asset instead of a bank.

Mr. Yager reiterated that there will be minimal ground disturbance...are buried cables going to be directionally drilled in, trenched...

Mr. Prinzi stated that all of the cabling will actually mount right to the solar arrays. In between rows we may have to do jumper cables which will be trenched between rows. With regard to the medium voltage cable coming from the inverter we actually have to wait to get some direction from the utility company for the most feasible way. Once we get the approvals we'll go in to the utility design phase and they'll tell us...we have to go back to the owners and see what they want us to do as well.

Mr. Yager stated that our Code calls for the cables to actually be a buried service.

Mr. Prinzi stated that as long as we know that going into it...if it has to go underground that's fine, we're suited to go both ways.

Mr. Corey stated that basically you're in the preliminary design phase and are in the process of addressing the Town Engineers comments before we go on to any action or approval because right now we don't have the detail that we would need.

Mr. Prinzi questioned how far they need to go with the design.

Mr. Corey stated that we have to have you and AI on the same page with all of his comments; as well as working with the utility company to see how they want you to proceed, but we will start the process tonight by declaring ourselves Lead Agency and review the SEQR and move forward but it appears we need a lot more information and detail before we finalize this. Not a question of doing it or not doing it, it's a question of getting the details to make sure we meet Code.

Mr. Prinzi concurred stated that that was one of the main goals this evening, declaring the Lead Agency so that we have some direction here. The comments from AI has been a huge help.

William Lester reiterated that the Emmi's will be using all of the power.

Mr. Prinzi concurred stating that they will in some fashion. They own the system and they will probably first off set the Farm and then they can distribute the power to any property that they own. None will be sold to the utility, it will all be used for their own use.

Ms. Jabloniky stated that for any power that you are over producing that isn't going to a live load at Emmi Farms you get a credit. The credits can be distributed among other satellite accounts.

Tim Frateschi, Esq., questioned how much power they will need for the farming operation as opposed to any other Emmi businesses.

Mr. Prinzi stated that they don't have the exact details of the load at the farm. We could address that.

Ms. Jabloniky is sized to only suit their needs and the satellite accounts. It's not oversized. We can provide more information on the breakdowns if required.

James Hickey stated that he has looked into this for him company. Normally if they overproduce power the utility isn't going to buy that back anyway. They have a surplus or credit. There isn't a mechanism in place for the utility to buy it from a commercial standpoint which is different from residential.

Ms. Jabloniky concurred stating that it doesn't make any sense to overproduce. Remote Net Metering is different than a regular net metering application for residential.

Hugh Kimball questioned what the terrain is like for this, is it flat?

Mr. Prinzi stated that its agricultural land, it was a field for farming activities.

Mr. Kimball questioned how high above ground will the arrays be.

Mr. Prinzi stated that they sit about 30" with the top edge being 6 to 7 feet, depending on how deep we have to drive our piles. There was a comment in the letter about how we maintain the site. You can get in there with a lawn mower or a weed walker type thing. It does have accessibility where you can walk right up underneath it.

Mr. Kimball stated that he's more interested in the visual impact, basically on Vann Road. I don't imagine it's going to be visible too much from anywhere else.

Mr. Prinzi stated that based on the slope it should be minimal.

Mr. Frateschi questioned how high the berm is going to be?

Mr. Prinzi stated that that will be based on what the Town requires. If they say we have to build it so that you can't see the arrays from the road, that's how we'll build it.

Mr. Kimball questioned if the representatives could provide a super-imposed photograph showing what this will look like.

Mr. Frateschi...a photo simulation from different areas from the road, what it would look like by doing some kind of balloon test. Fly a balloon at 6 or 7 feet, take some shots and do a photo simulation.

Mr. Yager asked if the board wanted to see any screening on East Mud Lake Road.

Mr. Lester questioned how much is the setback from East Mud Lake.

Mr. Yager stated that it's approximately 480'.

Some of the board members stated that it's quite a distance.

Ms. Jabloniky added that it's 225' from Vann Road.

There was a brief discussion with regard to other requirements of the Code. Barbed wire, fencing, signage with contact information, etc...

Mr. Lester questioned the size of the parcel.

It was determined that that it's approximately 38 acres, with six acres of solar arrays and that it meets the lot coverage requirement.

There is a letter on file prepared by Al Yager, Town Engineer, dated March 9, 2017 with 16 bulleted items to be addressed.

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

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board recommends the following MODIFICATION to the proposed action prior to local board approval of the proposed action:

1. The Town and applicant are encouraged to consider the siting of large scale solar arrays so as to avoid actively farmed land with prime agricultural soils, and locations which may impact agricultural operations.
2. The municipality or applicant must submit copies of the Storm Water Pollution Prevention Plan (SWPPP) and/or any drainage reports or studies Onondaga County Department of Transportation early in the planning process for approval and complete and appropriate mitigation as may be determined by the Department.

The Board was prepared to proceed with appointing themselves Lead Agency and reviewing Part 1 of the SEQR, however since one of the board members has asked for photo simulations to see any visual impacts, Mr. Frateschi suggested only appointing themselves Lead Agency and declaring this an Unlisted Action but table the review of the SEQR until the next meeting.

RESOLUTION #2 -- 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 LEAD AGENCY for Solar Liberty Energy Systems, on behalf of Emmi Farms, LLC, 1390 Vann Road, Baldwinsville, New York, Controlled Site Use application.

7 Ayes -- 0 Noes

Mr. Prinzi questioned if they would be on the next Planning Board agenda if all of the comments are addressed.

Mr. Corey concurred.

Mr. Prinzi and Ms. Jablonicky thanked the board for their time.

2. Site Plan Approval  
Case No. 2017—005

Giovanni Foods  
8800 Sixty Road

Tim Budd, Vice President of Operations, of Giovanni Foods and Jeff Burch, Project Engineer represented Giovanni Foods.

Mr. Budd stated that they produce spaghetti sauce, salsa, BBQ sauce, and the like.

The first part of the project as shown on the site plan:

No. 2 is a new PH Equalization System. The products produced are low PH products. We want to put in a 10,000 gallon tank in to monitor the ph going in and out of the tank to make sure that it's at an acceptable range going to the County system. It's basically tying the plant to the County sewer and putting that system between the two to monitor and control the PH.

No. 3 is a new 6000 Gallon Bulk Storage Container Concrete Pad area to accommodate the unloading/storage of vinegar, soybean oil and corn syrup.

No. 1 shows an area of pine trees that are at the end of their life. Being a food facility those pine trees harbor mice and moles. We have bait stations around the outside of the facility as well as traps around the inside of the facility. We'd like to remove that row of pine trees. Around the building wherever there is grass we'd like to dig out 18" from the side of the concrete building down about 4" and put paper and #2 stone around the building to prevent rodents from harboring.

Hugh Kimball stated that you're basically repurposing the building that's there to do what you do.

Mr. Budd concurred.

Mr. Kimball questioned if there were any significant changes to the inside of the building.

Mr. Budd stated that the biggest thing is the installation of drains. Food plants require a lot of drains because it's a wash down area.

William Lester questioned if the Onondaga County Water and Environmental Protection has been contacted.

Al Yager, Town Engineer, stated that he has been in contact with them.

Mr. Kimball questioned if we're dealing with BOD's here.

Mr. Yager stated that they have a relatively low strength waste which is good for us. They have a high flow which will actually help us with dilution of the Agrana Plant.

Mr. Kimball questioned truck traffic.

Mr. Budd stated that it will be about the same as what Paper Works was doing. We probably ship about 10 to 15 trucks a day going out and maybe 8 to 10 trucks coming in a day. Some of the product comes from California. It comes on a railcar. We deliver it into a Liverpool facility right now. Someday we'd like to have the rail spur put back in there to deliver right into the plant.

Steve Darcangelo raised some questions with regard to the overall operation of the plant. Cleaning, non-contact cooling water, waste water flow rates, clean water going into the Sanitary Sewer System, etc...

Mr. Yager stated that the Treatment Plant is operating from a flow standpoint way under the design capacity.

There was some discussion with regard to employment. They are anticipating 75 full time employees with some temps..

There is a letter on file from Empire State Development, dated March 7, 2017, that will be made part of the public record, in part:

This letter serves as verification that the site plan has been reviewed and approved by ESD. The plan meets the requirements of the Radisson Corporate Park Development Controls for the Planned Unit Development (PUD) and the Radisson Declaration of Protective Covenants, Conditions and Restrictions.

There is a letter on file from Al Yager, Town Engineer, dated March 9, 2017, that will be made part of the public record, in part:

I have reviewed the site plan amendment for the Giovanni Foods site located at 8800 Sixty Road prepared by Rowlee Construction Incorporated, dated February 21, 2017. At this time it appears that the amended site plan is in compliance with all State of New York, Onondaga County and Town of Lysander requirements. The developer has indicated that no significant increase in traffic volume is anticipated so a traffic study does not seem to be warranted. The amended site plan does not exceed the 60% lot coverage allowed in the Radisson Planned

Unite Development General Project Plan Corporate Park Controls. I would not be opposed to the Planning Board approving the amend3ed site plan. 2825 West Entry Road

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

RESOLVED, That the Planning Board having followed the prescribed SEQR procedures and having received no comments to the contrary, hereby designates itself as Lead Agency for Giovanni Food Company, 8800 Sixty Road, Baldwinsville, New York, Site Plan application.

7 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 #4 -- Motion by Corey, Second by Lester

RESOLVED, that having reviewed the SEQR regulations, determined this is an UNLISTED ACTION, and having reviewed the Short Environmental Assessment form, and finding no significant or adverse impacts resulting from the Giovanni Food Company, 8800 Sixty Road, Baldwinsville, New York, Site Plan application, the Planning Board issues a NEGATIVE DECLARATION.

7 Ayes -- 0 Noes

FINDINGS:

Review of the Short Environmental Assessment form indicates that there will be no significant or adverse impacts resulting from the.

There is a letter on file from the Town Engineer, dated March 9, 2017, stating no objection to the approval of the application, that has been made part of the public record.

There is a letter on file from the Empire State Development Corporation, dated March 7, 2017, stating that they have reviewed the application and it conforms with the rules and regulations in the Radisson Corporate Park Development Controls.

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

This action is consistent with the Town's current Zoning Ordinances.

This action did not require referral to the Onondaga County Planning Board for their review and recommendation as it's an amendment to an existing site plan with no changes that will affect drainage, parking layout or driveways.

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

RESOLUTION #5 -- Motion by Hickey, Second by Darcangelo

RESOLVED, that having reviewed the site plan as defined on a map dated February 21, 2017, prepared by Taber Rowlee, Rowlee Construction, Inc. associated with the application of Giovanni Foods, 8800 Sixty Road, Baldwinsville, New York and part of the Radisson PUD, to allow necessary renovations to the facility, the site plan is hereby approved.

7 Ayes

Mr. Budd and Mr. Burtch thanked the board for their time.

#### IV. OTHER BUSINESS

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

Per the request of the Town Board, the Planning Board was asked to review the amended zoning map and make a recommendation to the Town Board with regard to taking parcels on Emerick Road, NYS Route 370 and Dunham out of the Incentive Zoning District (IZ). Al Yager, Town Engineer, was asked to identify those parcels.

Mr. Yager stated that the parcel north of the proposed Whispering Oaks, Section 4 is being eliminated, along with all of the smaller parcels to the south along Emerick and 370. The other two parcels being eliminated is a 52 acre parcel on Dunham Road and the adjoining land locked parcels that backs up to the existing Whispering Oaks.

Mr. Yager continued stating that the Town Board is proposing to keep the parcel where the Whispering Oaks, Section 4, Cabbage Patch Project is in the IZ overlay as well as the parcel immediately west of Whispering Oaks on Dunham Road along 370.

There was some discussion with regard to a portion of land immediately north of Whispering Oaks. The owner of that property is under contract with a few neighbors to convey additional lands to their existing property with the remnant piece remaining as is. There are no plans for future development and the owner has no objection to the parcel being taken out.

James Hickey questioned if the owner of the piece immediately north of Whispering Oaks is going to combine it with their existing property, as it's landlocked.

Mr. Yager stated that their attorney indicated that they would combine it with their property. The Planning Board attorney is better equipped to discuss that as he is in the process of reviewing the legal descriptions of the parcels being conveyed.

Tim Frateschi, Esq., stated that there were three existing parcels with houses on them. Those lots were amended through a division of land to include part of the parcel. With regard to their existing home and the remnant piece....

Mr. Hickey stated that it was separate when they bought it. It was landlocked at that time. The neighbor's approached them about purchasing the other land and I'm just trying to figure out how that all got resolved.

Mr. Fateschi stated that he does not believe the remnant piece was added to their property within Whispering Oaks.

Karen Rice, Clerk, stated that they purchased it as a land locked parcel. I believe it was all part of the Harkin's farm with access to Emerick Road at one time. This parcel has an Emerick Road address.

Mr. Frateschi concurred stating it started out a land locked parcel and remains a land locked parcel until such time that they add it to their property.

Steve Darcangelo questioned what the original motivation was to include these parcels in the IZ.

Mr. Yager stated that they looked at the existing parcels in the TDR (Transfer of Development Rights) Receiving Areas. We did add a piece to the northwest of Whispering Oaks into the IZ overlay that was not included in the TDR sending area with the idea that that would end up being a green space contribution as part of any IZ projects that the Town Board...

Mr. Darcangelo questioned what the motivation is for now taking it out.

...Mr. Hickey added, and what happens to it once it is taken out.

Mr. Yager stated that it reverts back to the AR-40 zoning.

Mr. Darcangelo again asked what is driving the request to take them out.

John Corey, Chairman, stated that two of the Town Board members are here and asked if we could get some insight as to the motivation of the board to make changes.

Peter Moore, Town Board, stated that it was a full board decision. The thinking was that we want to preserve the integrity of the community as outlined in the CLUP (Comprehensive Land Use Plan). We don't want a bunch of houses up in that area...we don't want density to target that area. The incentives are not enough to off-set the potential impacts on the rest of the community.

(Two conversations going on at one time)

Mr. Darcangelo asked what the thought was at the time that this was included in the IZ.

William Lester stated that we were looking for a couple of things, we wanted to preserve the open space and farm land in the entire community, not necessarily on each individual parcel, which some people think that is what the CLUP meant; and 2) At the time that the plan was developed there was aggressive movement to develop on the Cold Springs Peninsula. The Committee, including Andy Reeves, looked for areas west of 690 which would alleviate the traffic concerns for development on the peninsula and allow the Town to develop meaningful residential property in the area that was given the IZ Overlay west of 690. That was the purpose. My own particular opinion is I'm not too against removing it west of Whispering Oaks and north of the area that remains but I am kind of against removing it just north of Cabbage Patch.

Hugh Kimball stated that he remembers there was an issue with soil types and what could be grown and/or whether or not it is capable of being farmed and I recall a local farmer saying that it's 'garbage land' up there, full of rocks, etc... That would include the area north of what was approved for Cabbage Patch and Cabbage Patch itself.

Joe Saraceni, Supervisor, stated that he wanted Peter to have an opportunity to speak with regard to his own perspective, as well as maybe some others that agreed with his thoughts. It wasn't unanimous. I support the removal of most of the land. I looked at it from a different angle. The fact that the land was put in there...one of the reasons was that it was modeled after the original TDR send & receive program. I didn't think that that really had anything to do with what the CLUP ended up being. Just to have a bunch of property that happened to be in the TDR in the past didn't make sense to me. The other thing that didn't make sense to me is, I asked Al to do a topographic sketch for me just to see elevations where sewer mains would flow downhill without having to add additional infrastructure, whether it be grinder pumps or sewer

pump stations. Most of the land that we're talking about to the north would require additional infrastructure and that defeats the purpose of why that land was considered. We wanted to put more people on existing infrastructure minus pump stations and things that would have to be maintained on a regular basis. Typically a sewer line is good for...

Mr. Yager stated that plastic lines are good for at least 100 years.

Mr. Saraceni continued stating where I disagreed with the board and where it wasn't unanimous as far as the whole board putting this forward was the lot up on Emerick Road because in my analysis a large portion of that lot can still be serviced by gravity sewers. The other thing... given the beautiful overlook, the apex of Emerick Road, looking west, the sunsets from there...as a board member given the choice of having a say in setbacks where homes can be built to protect that vantage point, I thought that I'd rather be part of that conversation than not. But, for the most part 4 of the 5 board members went with it. I thought that was enough to forward it for consideration. My only disagreement was that one section of Emerick.

Mr. Hickey raised a question from a procedural standpoint...if somebody came and nothing changed, doesn't the Town Board have the authority to decide incentives for denser development anyway...regardless of whether the land is in that zone or not?

Mr. Saraceni stated Mr. Frateschi can weigh in with his expertise, but you still has the ability to ask for a cluster, whether or not you can negotiate certain items on a cluster as far as setbacks and amenities I've not explored that. If that's the case then I guess my argument doesn't hold as much water as far as being part of the conversation on the development.

Mr. Lester stated that the CLUP did explore that. You can't ask for the same amenities. You can ask for preserving half of the land, but that's about it.

Mr. Frateschi stated that the concept of a Cluster Development is that you would come in with a plan that shows you how many lots you can get under a conventional zoning plan (for example: 100 acre parcel, 100 lots minus the infrastructure and whatever else you have to put in). A Cluster Development then allows you to take that 100 acres and create smaller lots so you aren't bound by the 1 acre lots anymore. You can make them ½ an acre and cluster them together in certain areas and create green space, which is the whole purpose of Cluster Development and reduce the amount of infrastructure, the cost of the infrastructure, the roads, the sewers, the water, etc... In discussion whether or not you're going to allow a Cluster Development you can certainly have a conversation with a developer and say, we will do Cluster Development if you provide 'whatever' the board thinks would be appropriate. It's not the same as IZ where you are actually adding more density. You can't add more density in a Cluster Development. If its 100 lots under conventional zoning that's allowed, it's got to be 100 lots under a Cluster Development. IZ is different. IZ is where we give you more density than our Code allows you if you in return a benefit to the Town.

Mr. Saraceni stated that as a board member, every time I read the CLUP, I appreciate it a little bit more. I think a tremendous amount thought went into it. I am more open to higher density in the IZ because I think long term it protects the open space in the Town in general.

Mr. Lester stated that that was its purpose.

Mr. Corey stated that he can understand the Town Board's rationale for removing items to the north of 370 and behind Whispering Oaks, but I haven't heard the rationale yet for why the piece

along Emerick, north of Cabbage Patch was omitted because it fits all of the criteria the board said it wanted to leave in place under the CLUP. Are there any insights further on that?

Mr. Moore stated that he doesn't want to speak for other members of the board, but he believes the CLUP is relatively young in its existence. We're testing the waters with it right now, as the developers are approaching us. The criteria that is used to place these parcels in there in the first place are somewhat under question also. Joe and I disagree in the general philosophy of all of this...I would hope there is some way to relieve the pressure of development for our Town to make sure that the aesthetic quality of our Town remains the way it is. If this is the tool we have to use, we will use it, but when we sit down in a group and start discussing it that parcel just fell in there and we've had a lot of discussions about it. Joe would like to have the negotiating power that the IZ Overlay provides and some of us believe that in negotiating even a Cluster we still have enough of a degree of negotiation power to do what we want to do with that parcel.

Mr. Saraceni stated that he was one of four members. The majority of the board felt strongly that that portion of the IZ be removed. There was such a strong majority to have it proceed.

Mr. Kimball stated that the ultimate pressure for development comes from the people that are going to buy houses. Other than the fact that we have a good school district we don't have a whole lot more employment to offer at this point; I'm looking at the area above me (Indian Springs/Highland Meadows now known as Lysander Preserve) that did get started pretty good three years ago when they first started putting the homes in. It slowed down greatly the second year as they went into Phase II of IV phases. Now they are sitting still...there approximately ten more lots that they're not building on because they're not getting the push for people to buy them. That's what development pressure is. I think when you're looking ahead at Collington Pointe and the Melvin Farms property, I'm not seeing just because you make the land available for TDR or IZ program that suddenly, magically people are going to show up to buy those homes. The County isn't growing. The County hasn't grown much in 30 to 35 years. A lot of Lysander's growth came from people wanting to get out of the City for good reason, but I think most of those people that wanted to get out are out. Just because some of this land is set aside for IZ doesn't automatically mean that you're suddenly going to have hundreds of more houses in Lysander. I share what Mr. Lester said about the area north of the one IZ that you have approved. It's not good farmland. I have that on good faith from someone familiar with farming and with the land who certainly has looked at it and is familiar with it. I'll go along with the rest of it but I have a problem with cutting the rest of that property at the top of the hill on Emerick Road out.

Mr. Hickey stated that he understand that part of the zoning was because sewers were there and there's always the issue of Seneca Estates eventually....if this were to get developed, where does that leave the sewer situation with existing capacity. To me that seems a more valid reason to taking some out. Not that I want sewers and the costs associated with it. Where does that stand with the capacity>

Mr. Yager stated that the bottom line is right now Whispering Oaks Pump Station is a duplex pump station that is served by a six inch forced main. There are several options that you'd have to increase capacity. At this point in time there's capacity for approximately 190 additional homes above and beyond what's served by the Whispering Oaks Pump Station, not counting Cabbage Patch, 165 additional without doing any improvements to the pump station as far as changing impellers, increasing the horse power of the pumps...to get more capacity out of that pump station.

Mr. Hickey reiterated that if this was all left in and it got developed and you've increased the capacity, there's still the capacity available to deal with Seneca Estates if you're ever forced to in the future.

Mr. Lester added that there would be enough for Riverbend as well.

Mr. Yager stated that if you put in a third pump into the Whispering Oaks Pump Station...make some modifications, you could get additional capacity above and beyond the 190 houses.

Mr. Darcangelo stated that he'd like to make some comments that are not intended to be critical of any of those who worked on developing the IZ, but I think changing zoning is an extremely critical element of municipal boards. I think it should be done very cautiously. When you purchase your property it's a big investment and you do it with an understanding that the neighborhood and the area that you live in will have a certain characteristic based on the zoning. As the zoning changes you may find that what you invested in is different than what you anticipated it becoming. Do we zone to meet the demand or do we zone to hopefully achieve what we want our community to be in the future? It's probably a hybrid of the two quite honestly. There's no point in zoning for multi-million dollars homes if there is no demand for that and at the same time we don't want a zone that would allow some type of development that we don't want there. It sounds to me that there's a discussion about changing zoning for very soft reasons. A view shed on one particular lot and a change in why we may want less density in that location than what was originally planned...I guess before I would make a recommendation I would have to know a little bit more about it; but I think changing the zoning, which is what we're being asked to do, needs to have a lot of thought. I know we may be changing it back to what it was before so you might say, we're only possibly correcting something that maybe shouldn't have been done, but I'm not sure. That's my opinion because zoning is extremely important and we shouldn't make a change based on today's particular interest or a situation that has come up that this might accommodate or be better for...I think zoning should be in accordance with a plan; what we want our community to be and that plan is for an extended time frame. It's not a ten year period; it's a longer time frame than that.

Mr. Corey stated that he didn't participate directly with Bill and his team did, but I followed it and I have spent a lot of time since the CLUP was put in place reading it and trying to understand it and work with it. For myself I find it to be a well thought out, well-reasoned approach to achieving what I would call a smarter level of growth in Lysander that existed in the past. I think that's going to be critical for Lysander. I also happen to be one of the people who read it the way I understood it is that the idea of siting specific locations in the Town for the opportunity to have higher density was put in there to achieve the opportunity in the future to deal with some issues with regard to sewers or lack thereof in certain locations; but all of that is potential. Because you have an Incentive Overlay Zone doesn't mean one house will ever be built there. It just creates a potential to take advantage of a situation if the right opportunity comes along. I personally like the concept. I don't understand and don't agree with the idea of removing that one section north of Cabbage Patch along Emerick. The other areas might have a rationale but that one does not. The question I have is, is what we're seeing here just the first step, is this the new precedence? Now that we've taken one IZ area and chopped it up and turned it around, that we'll start looking at the others? Are we creating a precedence here that really undermines the whole strength of the CLUP for the Town. If we've got the ability to do it for this site, what's going to stop us from some citizens coming in and complaining to the Town Board that they don't like the fact that that that happened and would you look at changing this because you've already done it. It just concerns me and I want to be on the record.

Mr. Hickey stated that that goes hand in hand with my statement earlier. You as the Town Board has the ability to decide whether to allow that to happen or not. I agree with Jack and Steve...to be taking things in and out, I think it's a slippery slope for a legislative body to be looking to do that. What's really the motivation behind it as we do it. Again, in my opinion, the way the CLUP was written, the thought that went into it and the amount of work that went into it with the feedback from the Town, I personally believe you already have the power to control that without moving things in and out. It concerns me as a citizen if we have a legislative body to just come in and change zoning at their discretion.

RESOLUTION #6 -- Motion by Corey, Second by Lester

RESOVLED, that the Planning Board, at the request of the Town Board recommends adoption of the Amended Town of Lysander Zoning Map as shown on a map dated January 2017, be approved as presented.

DISCUSSION:

William Lester stated that he can go along with the change, except for the area north of Cabbage Patch along Emerick Road and suggested amending the resolution to be reincorporated into the revised map.

There was some discussion with regard to amending the resolution that is before the board to include that parcel that is included on the existing zoning map of the Town.

There was more discussion with regard to the parcels south of the Cabbage Patch Development and why their removal is considered.

Mr. Yager stated that those parcels aren't ideally suited for development because of the slopes of the land and they're already chopped up with homes.

Mr. Corey stated that that's another good example. Those little properties could set in an IZ overlay the rest of their life where nothing would ever happen.

Several conversations going on at once.

Mr. Corey continued stating that if you listen to some of the discussion that we've had here, I would say that there are some of us sitting here who are saying we don't believe this should be changed. The only way you deal with that issue on a vote is to vote on the resolution as written and then if we vote no, then we could make another resolution that might 'suggest'...but I would like to have a vote on this resolution just to see if this board believes we should be changing the IZ overlay areas as a matter of course.

Karen Rice, Clerk, stated that all of the discussion will be put in the resolution.

Tim Frateschi, Esq., stated that all this board is doing is simply making a recommendation to the Town Board. The ultimate decision is with the Town Board. They're going to make their decision...I'm absolutely ok with doing that and if you want to take up another motion after this one you can feel free to do that as well.

James Hickey stated that he would be comfortable with doing that because from a discussion standpoint I firmly believe the board already has it within their purview for the opportunity for development and I'd be very cautious in changing zoning. To have any legislative body coming back on a consistent basis...it just concerns me.

Karen Rice, Clerk stated that we're not changing the zone. It's still zoned AR-40...

Mr. Frateschi concurred stating that we keep hearing 'changing zoning'. We're not changing zoning. It's zoned AR-40 and will continue to be zoned AR-40. The only thing we're considering tonight is the tool of IZ and what parts of the Town of Lysander it's going to be overlaid on. We're not changing zoning, we're determining where this tool called IZ should reside.

Mr. Hickey asked what happens when we remove it and someone comes in and says we want to add IZ someplace else...it goes both ways.

Jerry Hole stated that if this is left the way it is, nothing says we really have to grant a higher density. So why the change...why would we mess with it when we can address an issue if it comes to the Town Board in regard to higher density. Why don't we leave it as is.

Mr. Frateschi concurred stating that is what Jim's point is, but the Planning Board does not make that decision. The Town Board does.

Mr. Hickey raised a question...If I own a piece of property that is in the overlay district, I have no rights from a prescriptive standpoint unless the Town Board allows me to do that. There's no guarantee I can do anything other than AR-40.

Karen stated that you can request Cluster...

Mr. Frateschi stated that you can develop it as AR-40 or Cluster...you have no 'right' to incentives; however if you begin to create benefits and those benefits seem like they're being provided indiscriminately or somebody can make an argument that "you did it for him, why can't you do it for me". Or..."you did it three times in a row, I want exactly the same that those other three people got", but you're saying no. The board would then say...we did it those three times for these reasons and your situation is a little bit different or we did it those three times because it made sense. Now we're being overburdened by those things...somebody can make an argument someday, but that's discretionary on the Town Board's part. If somebody is going to challenge that they would have to say the Town Board acted arbitrarily and capriciously without a rational basis. It's a very difficult standard for somebody to prove.

Mr. Darcangelo stated that in the end we're being asked to make a change to a piece of land...the board that has the ultimate authority to approve or disapprove the development of a piece of property is asking us to make a recommendation for a change to the overlay.

Mr. Frateschi concurred stating that there's been a very good discussion about why or why we should not be doing that. Everybody is bringing up valid points.

There's a motion on the table, with a first and a second:

0 Ayes -- 7 Noes

The Board is not recommending the change being requested.

Mr. Lester questioned if the Board wanted to make a Motion with a compromise.

Mr. Frateschi stated that that can be done if somebody wants to make a motion.

Mr. Hickey stated that from what he heard in the discussion from the majority of the board is that the control already exists. If the Board ultimately makes a decision to do that, take some out, put some in later, I don't think the feeling of this board is in agreement with that because the law has already built that in to deal with whatever they're trying to do. Personally, I'm not so sure if a second motion is crafted there would be a different result. However, I'm willing to listen and discuss.

Mr. Darcangelo stated that planning is not done on a parcel by parcel basis...it seems like what we're doing is talking about individual parcels. Someone put an awful lot of thought in to the Town's CLUP. Not to say that it's not flexible and we don't make changes to it in time, but I wouldn't do it on a parcel by parcel basis.

Mr. Corey stated that we just unanimously said we don't recommend they make changes as presented to the overlay; but what I'm hearing is we are willing to consider certain changes. I do not believe we should support making any changes to the IZ Overlay.

Mr. Lester withdrew his request for a second motion.

2. Major Subdivision—River Pointe at Radisson: Waive final Public Hearing; authorize Chairman to sign the Final Plat.

Al Yager, Town Engineer, stated that the Board previously approved a 24 lot subdivision for property located on Drake's Landing Road for Mr. Rao. He is ready to proceed for Final Plat approval for six of those lots. The final plat is consistent with the preliminary plat. The Developer has completed the installation of the infrastructure and wants to dedicate that to the Town at the April 16, 2017 Town Board meeting. He would like to follow the map before the April 13, 2017 Planning Board meeting. Essentially we would be allowing him to file the plat map which shows the right of ways for the two streets and six lots in between Salvatore Ave and Drake's Landing, contingent upon the Town Board taking dedication of the streets and utilities at their March 16<sup>th</sup> meeting.

RESOLUTION #7 -- Motion by Corey, Second by Lester\

RESOLVED, that the Planning Board authorizes the Chairperson to review the Final Plat, for the John Rao, River Pointe, Drake's Landing/River Road, subdivision application, for property located at Phase 1, Lots 13, 14, 15, 19, 20 & 21, Salvatore Avenue, Baldwinsville, New York, Part of Tax Map No. 081.-01-32.0, and finding that all modifications and conditions have been met; the Board authorizes the Chairperson to waive the Final Plat Public Hearing and sign the Final Plat.

7 Ayes -- 0 Noes

3. Resignation of Jim Hickey: John Corey, Chairman

Mr. Corey stated that this evening is Jim Hickey's last Planning Board meeting. We will sorely miss Jim because he brings a good head. He has always spoken will for the topic. One thing I

really respected about him is he stays on track with what the Planning Board is supposed to do and straightens us out once in a while.

Mr. Hickey stated that he has really enjoyed his time on the Board, but we're at a point in our lives where we're very busy. We have recently launched a new company January 4th. We're looking to launch another one in the 4<sup>th</sup> quarter of this year. I'm on the Board of Seneca Federal Savings Bank, which has been a tremendous opportunity for me and I have an 11 year old and a 13 year old. Trying to coordinate with the kids just being here tonight is very, very touch. I have served the Town for 5 years, one year with the Town Board and 4 years with the Planning Board. I take that role very seriously but with the time constraints I have I just don't have the time that I feel is required to put in. I want to thank everybody for the opportunity and at some point when my kids are a little I will hopefully have the opportunity to come back and serve the Town again. I enjoyed working with everybody. Thank you!

V. ADJOURN

RESOLUTION #8 -- Motion by Hickey, Second by Daprano

RESOLVED, that the Town of Lysander March 9, 2017 regular Planning Board meeting adjourn at 8:30 p.m.

7 Ayes -- 0 Noes

Respectfully submitted,

Karen Rice, Clerk