

TOWN OF LSYANDER
PLANNING BOARD MEETING
8220 Loop Road
Thursday, March 10, 2022 @7:00 p.m.

The regular meeting of the Town of Lysander Planning Board was held Thursday, March 10, 2022 at 7:00 p.m. at the Lysander Town Building, 8220 Loop Road, Baldwinsville, New York.

MEMBERS PRESENT: John Corey, Chairman; Hugh Kimball; William Lester; Steve Darcangelo and Doug Beachel

OTHERS PRESENT: Al Yager, Town Engineer, Tim Frateschi, Planning Board Attorney; Michelle McIncrow; Heather Clark; Steve Sehnert, Applied Earth technologies; Paul Wehrle; Brenda Wehrle; Mike Addario; William Massaro, Belgium Cold Springs Fire Department; David Voorhees; Michael Malone; Robert Joeckel; Angela Luce; Dave Janczyk; Tim Bobo; John Marzocchi; Jeff Dack; Nick Offredi; Mary LaBrake; Natalie Greathouse; Jeff Dyl; Tina Dausman; Sean Stocking; Linda Condolora; Greg Sgromo; Gretchen Ziegler; Lisa Pachmyer; Steve Sehnert, Applied Earth Technologies and Karen Rice, Clerk

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

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

1. Minor Subdivision
Case No. 2022-001

Voorhees, David
Gates Road

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

Steve Sehnert, Applied Earth Technologies, represented the applicant.

Initially the parcel was approximately 18 acres in size. A 3.2 acre parcel was subdivided out in 2014 to allow Mr. Voorhees brother to build his home. The Vorhees' wish to subdivide a second 2.9 acre parcel to allow the construction of a single family residence. Access will be the same as currently exists through a 40' wide access and utility easement. Percolation tests have been taken, a subsurface sewage disposal system has been designed and submitted to the Onondaga County Health Department for their review and approval. Freshwater wetlands are shown on the plan but will not affect the development of this parcel. There are no plans for the remnant piece at this time, however a build-out plan that was reviewed in 2014 show how up to four lots could be developed, one for each Vorhees sibling.

David Vorhees stated that he received an email today approving the septic system.

The Board will request a copy of the approval.

Steve Darcangelo questioned the 100 year floodway.

Mr. Sehnert stated that the 100 year flood elevation is shown on the map.

Al Yager, Town Engineer, stated that the floodway doesn't go outside of the top of the bank shore.

There is a letter on file dated March 10, 2022 from Stanley and Donna Boots, 7880 Gates Road, that they asked to be read into the public record:

Because we are out of town and unable to attend the meeting in person we request this letter be read aloud and entered into public record at the meeting.

We object to the application of David Voorhees for Final Subdivision Approval for a two (2) lot Minor Subdivision located on Gates Road, Baldwinsville, New York, Tax Map No. 044-02-09.3 to allow construction of a single family residence.

In his application he desires to subdivide a 2.9 acre parcel from approximately 18 acres to allow for construction of a single family residence with no plans for the remnant at this time Tax maps show the parcel to be only 15.46, not 18. Why the discrepancy?

We are concerned once again about the fire danger not only to the proposed dwelling, surrounding forest and wooded areas, but also to the safety of the inhabitants and first responders as they only access fire and rescue teams will have is down a 1600 foot long access lane/driveway.

Also, of concern, is the fact that the house will share this common 1600 foot long access land/driveway with a home that has already been built adjacent to the proposed parcel. The current resident is a family member of Mr. Voorhees an assumption has been made that they are on good terms with each other. A concern of ours is what will happen in the in the future if these good terms should sour or if one or the other decides to sell their home and the new purchaser does not 'get along' with his share driveway neighbor. This could lead to a lot of trouble in the future. Perhaps this is one of the reasons that the Town of Lysander has frowned upon 'Flag' lots.

Having lived on Gates since the early 60's we know how volatile the exposed water table level along the Seneca River is. We are still concerned about the environmental impact of rising waters and stormwater discharge building so close to the flood line border.

To approve this subdivision will not only detract from the natural beauty and ecological diversity of Gates Road it will create a scenario for possible endangerment of freshwater wetlands and waterways and groundwater contamination. Zoning regulations are in place to protect areas. This pristine parcel of abandoned agricultural and wetland acreage would no longer be a natural haven for deer, waterfowl, other birds and wildlife.

We have spoken with other residents of Gates Road to find out what their thoughts on the proposed subdivision and were surprised to find that a couple did not receive a notification. Also upsetting is that while the Notice of Public Hearing letter was written on February 16th it was not mailed until March 1st and not received by us until March 9th giving us very little time to research the proposal and to properly prepare a response.

Mr. John Corey, we respectfully submit this letter and appreciate your and the rest of the board members consideration of our objections before making your decision this this matter.

Steve Darcangelo questioned the letter received from the Boots' family and asked if these dates accurate.

Karen Rice, Clerk, stated that the February 16th date of the Legal Notice was the date of the deadline for publication in the February 23rd edition of the Baldwinsville Messenger. Once verified that it did get published a copy of the Legal Notice gets sent to surrounding property owners normally within 300 feet of the site. The Legal Notice was mailed out March 1st, more than a week's notice of the meeting. Being out of Town their notice must have been delayed in getting to their location.

Mr. Darcangelo questioned if that was in the requirements.

Karen stated it's 72 hours, as a courtesy, not a requirement.

Tim Frateschi, Esq., concurred stating that there is no statutory requirement for that.

Mr. Darcangelo questioned if we know what prompts some of these concerns that are raised in the letter.

Mr. Yager stated that Mr. Boots was here for the previous Public Hearing in 2014. The same concerns were raised at that time.

Karen added that he owns several parcels on Gates Road, at least one adjacent to this site, resides there, has an apple orchard and seed company there.

With regard to the access there are 'bump outs' for fire trucks and/or emergency vehicles.

There being nothing further, the Public Hearing closed at 7:09 p.m.

II. APPROVAL OF MINUTES

Review and approval of the minutes of the February 10, 2022 Planning Board meeting minutes.

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

RESOLVED, that the minutes of the February 10, 2022 regular Planning Board meeting be approved as submitted.

5 Ayes -- 0 Noes

III. OLD BUSINESS

- | | |
|----------------------|-----------------|
| 1. Minor Subdivision | Voorhees, David |
| Case No. 2022—001 | Gates Road |

There is a letter on file dated March 10, 2022, prepared by Al Yager, Town Engineer, that will be read into the public record, in part:

I have completed my review of the map for the above referenced minor subdivision prepared by Applied Earth Technologies, dated January 3, 2022. The proposed subdivision conforms to build-out plan for the parcel that was previously approved. I would have no objections to the Planning Board approving the proposed minor subdivision at this time with the following conditions:

1. The owner must obtain approval of a septic system for the property from the Onondaga County Health Department prior to the subdivision map being filed in the County Clerk's office.
2. The owner must have a wetland delineation prepared by a qualified professional and obtain a wetland determination letter from the NYS DEC prior to the subdivision map being filed at the County Clerk's office.

The application was forwarded to the Onondaga County Planning Board for their review and recommendation. Their comments will be made part of the following Findings:

FINDINGS:

An environmental assessment that was done on a full build-out of this property indicated 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, as a variance was granted for the flag-lot configuration in 2014.

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 modifications:

An individual sewage disposal plan must be approved by the Onondaga County Health Department prior to endorsement of the subdivision plan.

The Board also offers the following comments:

1. The Town is encouraged to require the applicant to reconfirm prior submittal information regarding potential buildout of the entire property and environmental impacts, so as to effectively coordinate and protect access and infrastructure.
2. The municipality is encouraged to minimize exposure to damage from natural hazards and uphold local flood ordinance requirements, as required for good standing in the National Flood Insurance Program, by ensuring that any proposed development would not negatively affect drainage patterns in or near the floodplain.
3. The Town is encouraged to ensure appropriate access and utility easements are in place for all current and future lots and to include easement information on filed maps.

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

This subdivision does not provide suitable land, as recommended by the Parks and Recreation Commission, for the development of parks, playgrounds, recreation or open land areas in the Town.

RESOLUTION #2 Motion by Corey, Second by Darcangelo

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 David Voorhees for property located at Gates Road, Plainville, New York, Part of Farm Lot Nos.

74 and 84 and Tax Map No.044.-02-09.3, as shown on a made dated January 3, 2022 , prepared by Stephen Sehnert, Licensed Land Surveyor, is hereby approved with the following conditions:

1. The owner must obtain approval of a septic system for the property from the Onondaga County Health Department prior to the subdivision map being filed in the County Clerk's office.
2. The owner must have a wetland delineation prepared by a qualified professional and obtain a wetland determination letter from the NYS DEC prior to the subdivision map being filed at the County Clerk's office.

5 Ayes -- 0 Noes

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

RESOLVED, that in granting a subdivision to David Voorhees for property located at 7940 Gates Road, Plainville, New York, the Planning Board invokes its right to impose a fee of \$250.00 per lot for one (1) lot, in lieu of land for the development of parks, playgrounds, recreation or open land areas in the Town.

5 Ayes -- 0 Noes:

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. Sehnert thanked the Board for their time.

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| 2. Site Plan Review | B & F Development |
| Case No. 2020-001 | 3285 Belgium Road |

John Corey, Chairman, stated that at the last meeting the Board went over the SEQR and based on that discussion we requested that our attorney, Tim Frateschi, prepare a SEQR Determination Resolution.

Mr. Corey addressed the project engineer, asking if any more comments would be made.

Greg Sgromo, Dunn & Sgromo, stated that we listened to the Planning Board the last time, we made a couple changes, one we enlarged the recreational area by the clubhouse quite a bit and we took out some islands to accommodate the Fire Department and we've moved some of these parking spaces back to reduce the number of islands in the middle there to try and balance every day safety with fire access; those are outlined in our letter. Other than that, we're open to whatever suggestions.

Mr. Corey added that you've also sent in a revised Landscaping Plan.

Mr. Sgromo concurred.

Mr. Corey, addressing Al Yager, Town Engineer, stating the last time we talked with regard to the SWPPP (Stormwater Pollution Prevention Plan) you indicated we have a number of issues that all seem to be resolved, but not quite resolved at this point.

Mr. Sgromo concurred stating that there are some stragglers from having changed the site. We just have to get caught up and sit down with Al and go through those details to make sure that the comments (unclear) meet standards.

William Lester questioned if the plans that have been submitted is acceptable to the Fire Department.

Mr. Sgromo stated that they provided a set to the Fire Department; we haven't received comments back. The intent there was to balance every day safety with fire access and things like knox boxes, fire hydrants were addressed.

Mr. Corey questioned if we would get a letter at some point in time from the Belgium Cold Springs Fire Department.

Mr. Sgromo concurred.

Mr. Corey addressed a question to Al Yager, Town Engineer, asking if the Site Plans we now have are good in the sense of showing what needs to be showing what needs to be shown.

Mr. Yager stated that the grading plan will be revised. We haven't seen any grading plans for the revised landscaping areas so there will be some changes to the grading plan; but the overall schematic of the lot will remain the same.

Mr. Sgromo...essentially, any kind of approval would be upon final engineering review just so we can tie up all of the loose ends. We've reviewed the comment letter from Al and have no problems with anything in there. It can be done, it just needs to be coordinated.

Tim Frateschi, Planning Board Attorney, stated the last meeting we did go over Part 2 of the EAF. There were indications of some no to small impacts that we went over and I have prepared a resolution, at your request, that has several recitals and several Findings and Determinations. It also has, at the end, an option where if you're in the position tonight of approving the Site Plan you could. It is my understanding that we're not in that position tonight. That you want to bifurcate this resolution until the SWPP (Stormwater Pollution Prevention Plan) is completed and until you have an opportunity to look through the Landscaping Plan that just came yesterday. So, I think the Board just wants to do the SEQRA determination tonight, is that my understanding?

Mr. Corey concurred.

Mr. Frateschi stated that aside from all the recitals I will go through the Findings and Determinations to make sure they properly reflect the Board's views and I'll read the Whereas clause before the Findings and Determinations with the complete Resolution to follow. Keep in mind we are making a determination as to the environmental significance of this project, whether there will be a significant environmental impact for the project.

WHEREAS, based on the review of the Site Plan Package, Part 1 and Part 2 of the EAF, the Planning Board's familiarity of the Project Site, the Town's Comprehensive Plan, the zoning designation of the Property as Planned Unit Development, the comments received by the public, and all of the Recitals stated above, the Planning Board hereby makes the following **FINDINGS and DETERMINATIONS**, which will be added as a supplement to the EAF Part 2 and 3:

1. **FINDING and DETERMINATION:** The Project is consistent with similar multi-residential apartment use buildings within close proximity of the Property, including the Riverknoll Apartments across NYS Route 31 and the three-story Silver Wood apartment complex on Willett Parkway which is also situated adjacent to a single-family residential neighborhood.
2. **FINDING and DETERMINATION:** Mixed use residential opportunities is a goal of the Radisson Community, which should include single family housing, town house opportunities and multi-family apartment living.
3. **FINDING and DETERMINATION:** Except as set forth in FINDING and DETERMINATION Number(s) 8-11, the Planning Board has reviewed the D&S January 4, 2022 Letter, agrees with the reasoning and rationale set forth therein, and adopts the reasoning and rationale as justification for the SEQRA determination set forth herein.
4. **FINDING and DETERMINATION:** Except as set forth in FINDING and DETERMINATION Number(s) 8-11, the Planning Board has reviewed the D&S January 10, 2022 Letter, agrees with the reasoning and rationale set forth therein, and adopts the reasoning and rationale as justification for the SEQRA determination set forth herein.
5. **FINDING and DETERMINATION:** While the Project only proposed .25 acres of open recreation space for its residents, the Kerri Hornaday Park is in close proximity to the Project and the proposed walking trail to said Park will provide sufficient open space and recreational opportunities for the Project's residents.

6. **FINDINGS and DETERMINATION:** No evidence has been presented that would indicate any de-valuation in property values to single family houses because of the Project, which Project is similar to other apartment complexes in close proximity to the Property.
7. **FINDING and DETERMINATION:** The illustrations and elevations provided by the Applicant show architecturally pleasing structures that are consistent with the “look” of a residential home, including vinyl shake siding, vinyl siding, pressure treated wood or vinyl railings, asphalt shingles, cultured stone veneer, stone or concrete cap, and any other requirements of the Radisson Architectural Standards Board which will make the views consistent with the neighborhood.
8. **FINDING and DETERMINATION:** While the “look’ of the buildings are consistent with residential homes and apartments in the area, the buildings should be screened to the greatest extent possible by: (i) keeping and maintaining the existing trees along NYS Route 31 and Drake’s Landing; and (ii) supplementing the existing trees with a landscaping plan that will provide berms and decorative trees that will break up the view shed along Drake’s Landing and NYS Route 31 and the single-family houses in the Oak Brook subdivision.
9. **FINDING and DETERMINATION:** The Traffic Study indicates that there will not be a significant degradation of service level on the impacted roads from the Project. However, based upon the Planning Board’s personal knowledge of the intersection at Drake’s Landing and NYS Route 31, the number of new residential units being proposed, the concerns raised by the Town Engineer and the public at the public hearing and through their correspondence to the Planning Board, there is sufficient justification for concern with vehicle queuing for left-hand (eastbound) movements from Drake’s Landing onto NYS Route 31 to require further analysis upon substantial completion of the Project;
10. **FINDING and DETERMINATION:** The concerns set forth in Finding and Determination 9 above justifies a mitigation measure as further set forth at Finding and Determination number 11 below to assure the accuracy and integrity of the Traffic Study in light of the actual “build-out” conditions.
11. **FINDING and DETERMINATION:** Within 12 months of 80% occupancy of the Project, the Applicant shall pay for the cost of a traffic study, commissioned by the Town of Lysander Planning Board, to determine if a dedicated left-hand turn lane should be added to Drake’s Landing to prevent queuing that affects vehicles entering onto Drake’s Landing from the southern Oak Brook Road intersection. The estimated fee for the updated traffic study shall be placed in escrow prior to the Project receiving a building permit for the project
12. **FINDINGS and DETERMINATION:** In the event the proposed traffic study described in FINDING and DETERMINATION 11 above warrant a dedicated left-hand turn lane on Drake’s Landing based on level of service determination at 100% occupancy, which proposed study will include background traffic analysis of traffic generated separate from this Project, the Planning Board to make the final determination of a left-turn lane based on the proposed study, the Applicant shall pay the cost of the construction of such a left-hand turn lane. A surety bond or letter of credit shall be provided to the Town prior to a building permit being issued in the amount of the estimated construction cost of the left-hand turn lane.

NOW, THEREFORE BE IT RESOLVED, that having reviewed the EAF and relating it to the criteria set forth in Section 617.8(c) of the SEQRA regulations, having held the public hearing and making the Findings and Determinations contained in this Resolution, the Planning Board hereby issues a Negative Declaration under Article 8 of the Environmental Conservation Law;

BE IT FURTHER RESOLVED, that the Lead Agency is the Planning Board of the Town of Lysander, with a mailing address of 8220 Loop Road, Baldwinsville, Town of Lysander, New York;

BE IT FURTHER RESOLVED, that the Project is a Type I Action under SEQRA;

BE IT FURTHER RESOLVED, that the proposed Action is located on Drake’s Landing and NYS Route 31 in the Town of Lysander;

BE IT FURTHER RESOLVED, that this Resolution be appended to the EAF Part 2 and Part 3 and made a part thereof;

BE IT FURTHER RESOLVED, that all the letters and other documents cited herein are incorporated into this resolution; and

BE IT FURTHER RESOLVED, that Secretary to the Planning Board is hereby directed to file this Negative Declaration with the appropriate entities as set forth under 6 NYCRR Part 617.

Mr. Frateschi stated that that is what the SEQR Resolution says, as you know there was an option, as we discussed, for actual of the Site Plan, which I don’t think we’re in a position to. Some of the conditions of that approval I think should be understood by the applicant and give an

opportunity to be heard on those conditions because I think that will affect the SEQR determination ultimately, so the two main conditions really relate to a proposed traffic study that would have to take place within twelve months of 80% occupancy of the building and the final Landscaping plan and setting aside escrow to make sure that if a traffic study does determine that there is problem with left-turns with Drake's Landing then a dedicated left-turn lane would be put in place. I think the Board would be interested in hearing the applicant's responses to those conditions.

Mr. Sgromo stated that he understands what the concerns are, we've discussed them for a couple of years now and my concern with that particular language is that 1) the trigger points are not based on engineering principles, even today as a Planning Board it would be capricious and arbitrary for you to demand us to in a turn-lane because DOT studies and all of the engineering based studies say that t's not required. So, for us to give that up is kind of problematic in a language where it's open to whatever the Planning Board wants; 2) the cause of what would result in a turn-lane being needed at the 80% stage of our development...lets say that a warehouse gets built in the Industrial Park somewhere and drives down massive amounts of traffic to that intersection which caused delays to increase, so the increased delays are not due to our project, but due to some other project. For us to bear the cost of that isn't fair. Those are the two main issues I have for that resolution as it stands; not that it can't be kind of tightened up in some way, but those are scenarios that are really outside of our control or outside of standard engineering principles which make it problematic in our view.

Steve Darcangelo stated that he thinks they're both good points. The one thing that could be done is a traffic study qt the 80% occupancy could include an evaluation...how much traffic may be coming from any development that occurs between now an that date. So, if by chance another facility is constructed out on Drake's Landing or in the location that contributes to peak morning traffic, which I think is the critical time. The study could evaluate what impact that has vs the impact of your development. We would, in our commissioning of getting a report, we would ask that that be evaluated in the event that something else comes in in the meantime. I understand what you're saying that the idea that a study now shows that there's not an impact but the concern is there are so many variables in a traffic study that slight changes, many of them are interpretations, slight changes in the variables could give a different outcome. That outcome could show that there is a slight impact, maybe it doesn't change the service level, but I think a great proposal in the sense that it provides an opportunity to assure that we don't have something there that results in a negative impact. We don't have to use a crystal ball, we're actually going to base it on what happens. I like the idea.

Mr. Sgromo stated that based on your statement I feel good, but the way it's written, none of us may be in the room in three years...United Auto Warehouse could all of a sudden generate a massive amount of vehicles that negatively impact that intersection and we'd be the ones bearing that cost or responsibility; or that Board in two or three years could just decide that we've got blanket to say put in a turn lane, we're going to have to put in a turn lane. I'm not opposed...I understand what you're trying to do in general I'm ok with it, but the language to me is very open, much more open...

Mr. Frateschi stated that language that might be objectionable to you...is it the language from the SEQR resolution or the language from the conditions that we're not going to even consider tonight will certainly be updated and tightened up.

Mr. Sgromo stated that item 12 is the one.

Al Yager, Town Engineer, suggested they connect that to level of service evaluation. A traffic study would be a simple solution to that.

Mr. Darcangelo concurred stating that then it becomes bonafide.

Mr. Sgromo stated (unclear) background factor change...all of a sudden Drake's Landing is generating double the traffic in two or three years from what it is today, do we bear the responsibility or...

Mr. Yager stated that one of the concerns with the Board is the counts were done in 2020. Let's face it, 2020 was the birth of telecommuting. That is the concern, we're seeing more and more people going back to the office every day. Traffic counts were lower than previous traffic studies. With that being said, that's the Board's concern. While we don't want to discount the work that you've done, it is good work, it's a good traffic study. There's some concern that when people...who knows maybe this never happens, my personal opinion all professionals will not be going to the office every day again. The age of telecommuting is upon us, it's probably here to stay. With that being said, the Town needs a little bit of insurance polity to make us feel

comfortable that in three years if everybody is going back to work every day that could make a significant increase that was forecasted in the traffic impact study that was prepared in 2020. That is the Board's concern and I think if we link the turning lane to a level of service degradation greater than what was shown in your traffic impact study the Board I'm assuming would be comfortable with that.

Mr. Sgromo stated that that gives him the comfort, I can quantify it, I can relate it to something and you're absolutely right, we actually used conservative numbers on our trip generation, more conservative than across the street, but you never know what you get in that mix of residents. Maybe changes on Drake's has nothing to do with any growth or something...I'm ok as long as we base it on something that's quantifiable and not just a feeling.

Mr. Yager concurred.

Mr. Frateschi stated that the way it reads is, In the event the proposed traffic study described in FINDING and DETERMINATION 11 above warrants a dedicated left-hand turn lane on Drake's Landing...to me that means the experts who are doing the study, the study itself has to warrant the dedicated left-hand turn lane on Drake's Landing and this Board has to say that's what that says.

Mr. Sgromo stated that your intent is similar to what I'm saying...a little language in there with regard to level of service.

Mr. Frateschi suggested wording...*'warrants a dedicated left-hand turn lane on Drake's Landing based on level of service determination in the traffic impact study at 80% occupancy'*.

Mr. Corey stated that not only would the Town Engineer have to review the need, the DOT would have to review it.

Mr. Frateschi stated he would take the Planning Board's authority out: 'the Planning Board to make the final determination of a left-turn lane based on the proposed study'.

(Several talking at once)

Mr. Frateschi continued stating that their decision would have to be based on something, it can't be an arbitrary and capricious decision.

Mr. Corey stated that we're all on the same page, we'll get there, as I read that the only discretion that was given to the Planning Board and the Town Engineer is that based on studies there was action caused for us...

Mr. Darcangelo stated that the report doesn't have the authority to make you do something, we read the report, then use it to...

Mr. Sgromo stated that that's perfect, tightening up the language a little as discussed sounds fine.

Mr. Frateschi suggested the following language: *In the event the traffic study described in Finding and Determination 1 above warrant a dedicated turn lane on Drake's Landing based on level of service determinations in the traffic impact study at 80% occupancy, the applicant shall pay the cost of construction of such left turn lane; which will include background traffic analysis outside of this project.*

Mr. Sgromo stated that his biggest concern is if traffic generated on the other side of the street for some reason increases from further development where DOT comes in and changes the signal timing on their side because of the additional traffic on 31...and then all of a sudden it makes it our burden even though we did nothing to cause it. That's the only concern we have.

Mr. Darcangelo stated that the study is going to be conducted at 80% occupancy, but based on 100%, correct? The wording is clear in that?

Mr. Yager stated from a DOT standard, yes.

Mr. Corey questioned who will make that determination with that language taken out.

Mr. Frateschi stated that the study will make the determination.

Mr. Corey stated that the study shows the results but either the DOT or the Town makes the decision.

Mr. Frateschi concurred.

Mr. Sgromo stated that the goal is once we're at 80% somebody does a traffic study, if there's a significant difference we have to come back here to deal with it.

Mr. Corey concurred.

Mr. Frateschi added additional language: *The Planning Board to make the final determination based on the study. The applicant shall pay the cost of construction of said left hand turn lane.*

Mr. Frateschi stated he gets the gist of it and will clean it up. If the Board is satisfied with this language tonight we'll do the SEQR and then for the final condition we'll get the agreed upon language.

Board members were in concurrence.

Mr. Darcangelo questioned if the language for any approval has to match with this.

Mr. Frateschi stated that he thinks it does. I think we have to have an understanding because I think the applicant needs to understand that the SEQR determination that is being made tonight is based on these conditions. In other words, you may not make a Negative Declaration if these conditions were not being met by the applicant.

Mr. Darcangelo concurred stating that it will also be a condition of any site plan approval.

Mr. Sgromo stated that he thinks we're fine with the changes. They're minor enough, it doesn't change the understanding that everybody has. It cleans up the language...

Mr. Frateschi stated that he's going to bifurcate the remainder of the resolution, remove it, and what I read out loud is the resolution you will be considering tonight.

Mr. Darcangelo proposed that we consider a resolution for a Negative Declaration based on the language Tim set forth.

The Resolution in its entirety:

<p>IN THE MATTER Of STATE ENVIRONMENTAL QUALITY REVIEW ACT DETERMINATION FOR B&F DEVELOPMENT, LLC WITH CONDITIONS</p>	<p>Resolution 2022-4 DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE</p>
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MOTION BY DARCANGELO, SECOND BY LESTER

The **TOWN PLANNING BOARD OF THE TOWN OF LYSANDER**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Lysander, located at 8220 Loop Road, Baldwinsville, New York 13027, County of Onondaga, State of New York, on the 10th day of March, 2022, at 7:00 p.m. The meeting was called to order by John B. Corey, as Chairman, and the following were present, namely:

John B. Corey	Chairman
Hubert D. Kimball	Member
William Lester	Member
Steve Darcangelo	Member
Doug Beachel	Member

Absent: None

WHEREAS, B&F Development, LLC (the "Applicant") is proposing the construction of six (6) three story multi-family buildings, 6 garages and 2 support buildings (a clubhouse and maintenance building) on a 22.1 acre lot at the intersection of NYS Route 31 and Drake's Landing Road (the "Project");

WHEREAS, the Applicant, through its engineers (Dunn & Sgromo Engineers), has submitted a site plan package (the "Site Plan Package") entitled Drakes' Landing, which consists of the following Sheets: SP1 Site Plan; SP2 Site Aerial; SP3 Site Cross Section (Replaced by CS1, dated 2-10-22; SP4 Site Cross Section (replaced by CS2, dated 2-10-22);

SP5 Landscaping Plan; as File No. 1059.008, dated 09/01/20 last revision date February 10, 2022 TT-1 Truck Turn Plan, dated November 10, 2021, revised January 12, 2022;

WHEREAS, the Project is proposed to be situated on one vacant parcel, currently owned by the YMCA of Greater Syracuse, Inc. and identified as tax map nos. 075.-03-24.7, which equal approximately 22 acres (the "Property" or "Project Site");

WHEREAS, of the 22 acres, the Applicant has proposed to disturb approximately 10.8 acres of the Property;

WHEREAS, the Planning Board and its engineer have reviewed the Site Plan Package and have considered it in relation to the SEQRA review and findings set forth herein;

WHEREAS, the existing zoning for the Project Site is Planned Unit Development which allows the multi-family apartments as set forth in the Application;

WHEREAS, by letter dated October 29, 2021, the Radisson Community Association has indicated that the Property has always been contemplated to have residential uses compatible to the one proposed in the Application;

WHEREAS, land uses in the adjacent surrounding area are single family, multi-family housing and open space/recreation;

WHEREAS, because 10 acres of the Property will be disturbed by the construction of the Project, it qualifies the Action as a Type I action under Article 8 of the New York State Environment Law and 6 NYCRR ("SEQRA");

WHEREAS, on February 13, 2020, pursuant to NYCRR Part 617.6(b), the Lysander Planning Board (the "Planning Board") declared itself the Lead Agency and issued to all involved agencies a Notice of Intent that classified the Project as a Type I action and further stated that it intended to be the Lead Agency for the Action;

WHEREAS, no involved agency responded in objection to the Notice of Intent for Lead Agency;

WHEREAS, on March 30, 2020, the Planning Board held a scoping session for all of the involved agencies to determine any environmental concerns they may have - none of the involved agencies attended or submitted comments;

WHEREAS, the Applicant has provided the Town Planning Board with a Traffic Impact Study (the "Traffic Impact Study"), dated January 2020, revised January 10, 2022, prepared by Dunn & Sgromo Engineers, PLLC ("Project Engineers");

WHEREAS, by letter dated July 20, 2020, the Engineer for the Town has reviewed the Traffic Impact Study and based on his review generally agrees with the determination that the level of service will only be minimally degraded by the Project, however, the Town Engineer has also determined that based on the significant number of new apartment units being proposed further study should be undertaken upon substantial construction of the Project, especially as it relates to a possibility of a dedicated left hand turn lane on Drake's Landing;

WHEREAS, Dunn & Sgromo submitted to the Town Engineer a Stormwater Pollution and Prevention Plan ("SWPPP") dated November 2021, which identifies stormwater run-off issues and proposed stormwater facilities that will meet the NYS Department of Environmental Conservation regulations (See Engineer's Review Letter of March 3, 2022);

WHEREAS, by letter dated January 4, 2022 to the Planning Board Chairman, Dunn & Sgromo Engineers submitted answers addressing the numerous comments, complaints and objections that the public provided to the Planning Board as it relates to the environmental impacts of the Project (the "D&S January 4, 2022 Letter");

WHEREAS, by letter dated January 10, 2022 to the Chairman of the Planning Board, Dunn & Sgromo Engineers submitted answers to the Engineering Review Letter dated December 15, 2021 by the Town Engineer (the "D&S January 10, 2022 Letter"),

WHEREAS, by resolution dated March 18, 2020 the Onondaga Planning Agency determined that the Project would not have an inter-county wide impact and offered one modification, which modification is agreed to by the Planning Board;

WHEREAS, on February 10 2022, at its monthly meeting, the Planning Board reviewed, discussed and asked questions to the Dunn & Sgromo Engineers regarding Part 2 of the Full Environmental Assessment Form (the "EAF") and answered the 18 questions set forth therein based on the Project;

WHEREAS, for the reasons set forth in the D&S January 4, 2022 Letter, the D&S January 10, 2022 Letter, the minutes of the February 10, 2022 meeting, the information on Part 1 of the EAF, the notes set forth on Part 2 of the EAF and the personal knowledge of the Planning Board members of the Project site, the Planning Board determined that there would be no environmental impact on Geological Features, Groundwater, Flooding, Air, Plants and Animals, Agricultural Resources, Historical and Archeological Resources, Open Space and Recreation, Critical Environmental Areas, Energy, Noise/Oder/Light, Human Health, Consistency with Community Plans, and/or Consistency with Community Character;

WHEREAS, the Planning Board did identify four potential environmental impacts as follows: (i) Impact on Land; (ii) Impacts on Surface Water; (iii) Impacts on Aesthetic Resources; (iv) Impacts on Transportation;

WHEREAS, of the four potential environmental impacts set forth in the previous paragraph, the Planning Board determined that the standards set forth in the EAF sub-questions indicated “no, or small impact may occur”, except for mitigation measures that would be required related to Impacts on Aesthetic Resources and Impacts on Transportation, as set forth in the next paragraph;

WHEREAS, although there are no significant environmental impacts based on the Planning Board’s review of Part 2 of the EAF, the Planning Board has two main concerns from a SEQRA and Site Plan mitigation perspective: (i) traffic queuing at the corner of Drake’s Landing and NYS Route 31, especially vehicles taking a left hand turn onto NYS Route 31 from Drake’s Landing and its impact on traffic exiting the southern Oak Brook Road intersection with Drake’s Landing; and (ii) the visual impact of six three story apartment buildings from NYS Route 31 and from Drake’s Landing.

WHEREAS, based on the review of the Site Plan Package, Part 1 and Part 2 of the EAF, the Planning Board’s familiarity of the Project Site, the Town’s Comprehensive Plan, the zoning designation of the Property as Planned Unit Development, the comments received by the public, and all of the Recitals stated above, the Planning Board hereby makes the following **FINDINGS and DETERMINATIONS**, which will be added as a supplement to the EAF Part 2 and 3:

1. **FINDING and DETERMINATION:** The Project is consistent with similar multi-residential apartment use buildings within close proximity of the Property, including the Riverknoll Apartments across NYS Route 31 and the three-story Silver Wood apartment complex on Willett Parkway which is also situated adjacent to a single-family residential neighborhood.
2. **FINDING and DETERMINATION:** Mixed use residential opportunities is a goal of the Radisson Community, which should include single family housing, town house opportunities and multi-family apartment living.
3. **FINDING and DETERMINATION:** Except as set forth in FINDING and DETERMINATION Number(s) 8-11, the Planning Board has reviewed the D&S January 4, 2022 Letter, agrees with the reasoning and rationale set forth therein, and adopts the reasoning and rationale as justification for the SEQRA determination set forth herein.
4. **FINDING and DETERMINATION:** Except as set forth in FINDING and DETERMINATION Number(s) 8-11, the Planning Board has reviewed the D&S January 10, 2022 Letter, agrees with the reasoning and rationale set forth therein, and adopts the reasoning and rationale as justification for the SEQRA determination set forth herein.
5. **FINDING and DETERMINATION:** While the Project only proposed .25 acres of open recreation space for its residents, the Kerri Hornaday Park is in close proximity to the Project and the proposed walking trail to said Park will provide sufficient open space and recreational opportunities for the Project’s residents.
6. **FINDINGS and DETERMINATION:** No evidence has been presented that would indicate any de-valuation in property values to single family houses because of the Project, which Project is similar to other apartment complexes in close proximity to the Property.
7. **FINDING and DETERMINATION:** The illustrations and elevations provided by the Applicant show architecturally pleasing structures that are consistent with the “look” of a residential home, including vinyl shake siding, vinyl siding, pressure treated wood or vinyl railings, asphalt shingles, cultured stone veneer, stone or concrete cap, and any other requirements of the Radisson Architectural Standards Board which will make the views consistent with the neighborhood.
8. **FINDING and DETERMINATION:** While the “look” of the buildings are consistent with residential homes and apartments in the area, the buildings should be screened to the greatest extent possible by: (i) keeping and maintaining the existing trees along NYS Route 31 and Drake’s Landing; and (ii) supplementing the existing trees with a landscaping plan that will provide berms and decorative trees that will break up the view shed along Drake’s Landing and NYS Route 31 and the single-family houses in the Oak Brook subdivision.
9. **FINDING and DETERMINATION:** The Traffic Study indicates that there will not be a significant degradation of service level on the impacted roads from the Project. However, based upon the Planning Board’s personal knowledge of the intersection at Drake’s Landing and NYS Route 31, the number of new residential units being proposed, the concerns raised by the Town Engineer and the public at the public hearing and through their correspondence to the Planning Board, there is sufficient justification for concern with vehicle queuing for left-hand (eastbound) movements from Drake’s Landing onto NYS Route 31 to require further analysis upon substantial completion of the Project;
10. **FINDING and DETERMINATION:** The concerns set forth in Finding and Determination 9 above justifies a mitigation measure as further set forth at Finding and Determination number 11 below to assure the accuracy and integrity of the Traffic Study in light of the actual “build-out” conditions.

11. **FINDING and DETERMINATION:** Within 12 months of 80% occupancy of the Project, the Applicant shall pay for the cost of a traffic study, commissioned by the Town of Lysander Planning Board, to determine if a dedicated left-hand turn lane should be added to Drake's Landing to prevent queuing that affects vehicles entering onto Drake's Landing from the southern Oak Brook Road intersection. The estimated fee for the updated traffic study shall be placed in escrow prior to the Project receiving a building permit for the project.
12. **FINDINGS and DETERMINATION:** In the event the proposed traffic study described in FINDING and DETERMINATION 11 above warrant a dedicated left-hand turn lane on Drake's Landing based on level of service determination at 100% occupancy, which proposed study will include background traffic analysis of traffic generated separate from this Project, the Planning Board to make the final determination of a left-turn lane based on the proposed study, the Applicant shall pay the cost of the construction of such a left-hand turn lane. A surety bond or letter of credit shall be provided to the Town prior to a building permit being issued in the amount of the estimated construction cost of the left-hand turn lane.

NOW, THEREFORE BE IT RESOLVED, that having reviewed the EAF and relating it to the criteria set forth in Section 617.8(c) of the SEQRA regulations, having held the public hearing and making the Findings and Determinations contained in this Resolution, the Planning Board hereby issues a Negative Declaration under Article 8 of the Environmental Conservation Law;

BE IT FURTHER RESOLVED, that the Lead Agency is the Planning Board of the Town of Lysander, with a mailing address of 8220 Loop Road, Baldwinsville, Town of Lysander, New York;

BE IT FURTHER RESOLVED, that the Project is a Type I Action under SEQRA;

BE IT FURTHER RESOLVED, that the proposed Action is located on Drake's Landing and NYS Route 31 in the Town of Lysander;

BE IT FURTHER RESOLVED, that this Resolution be appended to the EAF Part 2 and Part 3 and made a part thereof;

BE IT FURTHER RESOLVED, that all the letters and other documents cited herein are incorporated into this resolution; and

BE IT FURTHER RESOLVED, that Secretary to the Planning Board is hereby directed to file this Negative Declaration with the appropriate entities as set forth under 6 NYCRR Part 617.

5 Ayes -- 0 Noes

KIMBALL	YES
LESTER	YES
DARCANGELO	YES
BEACHEL	YES
COREY	YES

Mr. Sgromo thanked the Board for their time.

IV. NEW BUSINESS

- | | |
|----------------------|-------------------------|
| 1. Minor Subdivision | Buyck, Corey |
| Case No. 2022—002 | 8896 Smokey Hollow Road |

Corey Buyck stated that he currently lives at 8896 Smokey Hollow Road on a ten acre lot. We'd like to subdivide out a new lot approximately 7 acres in size with plans to build a single family house. As you can see on the plan we had a wetland delineation done by the DEC. We have had perc tests done and the initial plan has been submitted to the Health Department for a septic design.

There was some discussion with regard to the location of the wetlands on surrounding property with Al Yager, Town Engineer, stating that they only delineate what's on the applicant's property.

Mr. Buyck stated that a buffer has been shown on the plan.

Steve Darcangelo stated that it's a mapped wetland and Mr. Yager concurred stating that he had the mapping determined by the DEC. It's been both delineated and mapped.

Mr. Yager concurred.

Mr. Lester questioned if we have the letter on file.

Karen Rice, Clerk, stated that there is a letter on file dated November 3, 2021 from Aaron Bliss, NYS DEC.

Hugh Kimball stated that you have a garage and barn, the barn looks quite substantial and relatively solid...do you work construction, what do you do in those buildings, just out of curiosity.

Mr. Buyck stated that a few years back I had a business and I was doing construction and that was my shop at the time...equipment and tools.

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

RESOLVED, that the Planning Board having followed the prescribed SEQR procedures and having received no comments to the contrary, hereby designates itself as Lead Agency for Corey Buyck, 8896 Smokey Hollow Road, Baldwinsville, New York, Minor Subdivision application.

5 Ayes -- 0 Noes

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

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? No
2. Will the proposed action result in a change in the use or intensity of use of land? No
3. Will the proposed action impair the character or quality of the existing community? No
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? N/A
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 #6 -- 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 Corey Buyck, 8896 Smokey Hollow Road Baldwinsville, New York, Minor Subdivision application, the Planning Board issues a NEGATIVE DECLARATION.

5 Ayes -- 0 Noes

RESOLUTION #7 -- Motion by Corey, Second by Kimball

RESOLVED, that a Public Hearing be held within sixty-two (62) days at a date and time designated by the secretary on the application of Corey Buyck, for a subdivision of property located at 8896 Smokey Hollow Road, Baldwinsville, New York, Part of Military Lot No. 59 and Tax Map No. 023.-01-08.0 for the development of two (2) lots from a parcel of approximately 8.

5 Ayes -- 0 Noes

Karen stated that the application will be forwarded to the County for their review and recommendation. We should be able to hear it at our April 14th meeting.

Mr. Buyck questioned if he would need a septic approval by that time.

Karen stated that we only need the percs. The septic approval can wait until you pull your building permit.

Mr. Buyck thanked the Board for their time.

V. ADJOURN

RESOLUTION #9 -- Motion by Kimball, Second by Darcangelo

RESOLVED, that the March 10, 2022 regular Planning Board meeting adjourn at 8:04 p.m.

5 Ayes -- 0 Noes

Respectfully submitted,

Karen Rice, Clerk to Planning Board