

TOWN OF LYSANDER  
PLANNING BOARD SPECIAL MEETING  
Monday, April 21, 2014 @ 7:00 p.m.  
8220 Loop Road  
Baldwinsville, NY 13027

The regular meeting of the Lysander Planning Board was held Monday, April 21, 2014 at 7:00 p.m. at the Lysander Town Building, 8220 Loop Road, Baldwinsville, New York.

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

MEMBERS ABSENT: James Aust

OTHERS PRESENT: Al Yager, Town Engineer; Frank Costanzo, ZBA; Kevin Voorhees; Vincent Kearney, Belgium Cold Springs Fire Department; Stan Boots; Larry Brennan; Ken Landon; Donna Boots; Donald Van Patten; Diane Van Patten 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 March 17, 2014 Planning Board meeting.

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

RESOLVED, that the minutes of the March 17, 2014 Planning Board meeting be approved as submitted.

6 Ayes -- 0 Noes

III. OLD BUSINESS

- |                                |                 |
|--------------------------------|-----------------|
| 1. Minor Subdivision—Info Only | Voorhees, Kevin |
| Case No. 2014—001              | 7940 Gates Road |

Kevin Voorhees stated that he appreciates being back in front of the board to give an update on where the application stands since the last visit in January 2014. At that time information was provided on a preliminary basis. Since that time I have met with the Zoning Board of Appeals who granted the approval for a variance.

Fred Allen questioned what the variance was for.

Karen Rice, Clerk, stated that a copy of the resolution is part of the Planning Board member's packets; which will be made part of the public record:

**FINDINGS:**

**Underlying change in the neighborhood will not occur.**

**Proposed use of the property and character will not alter the general appearance of the neighborhood and the proposed use is sufficient to safeguard the public health and safety.**

**The proposed use is substantial but will not create an adverse impact on the physical and environmental conditions.**

**The reason for seeking the variance was not created by the applicant.**

**There are no feasible alternatives.**

**There was significant opposition from the community**

**RESOLUTION #1 -- Motion by Ordway, Second by Patrick**

**RESOLVED, that the Zoning Board of Appeals grant the variance to allow the 30' access to property located at 7940 Gates Road, Baldwinsville, New York, Tax Map No. 044.-02-09.3, to permit the construction of a single family residence. Approval of this variance is expressly conditioned on no further road cuts other than that identified on the property survey, depicted in a plan dated August 27, 2013, submitted in connection with his application for the "instant" variance and pursuant to the recommendation the of the Town Engineer.**

**3 Ayes -- 1 Abstain (Jarvis who has a conflict of interest)**

Mr. Voorhees continued, stating that out of the 18.8 acre parcel that I co-own with my three younger brothers, my wife and I only want to take somewhere between 2 and 2 ½ acres out of that, that's approximately 1400' feet from Gates Road, so that we're along the river and not along the road. We're trying to carve out a parcel that doesn't have any actual frontage along Gates Road with access through an easement.

Mr. Voorhees stated that the information that was initially submitted back in January is a driveway location that has since changed. We have also been back out on the property doing soil percolation tests. In doing so the site plan will be modified based on the change of the driveway location as well as the soil percolation tests that are new. We will also be updating the environmental assessment form (SEQR) for resubmittal. As part of that I will try to address as many of the concerns that have come forward during the Zoning Board process as I can.

Mr. Voorhees asked that the board not take any action on the environmental assessment form that was submitted back in January because a lot of things have changed. I will be updating that, replacing it with a new formal site plan submittal as well as an environmental assessment.

Mr. Allen questioned which driveway location are you looking at using, it looks like there are at least two. One has a POSTED sign with a chain across it.

Mr. Voorhees stated that that location is the one that was initially requested, that's the old farm road. That's not the one I'm going to be proposing to you in the formal site plan. The other one is closer to the telephone poles.

Al Yager, Town Engineer, stated that the proposed location is really close to the top of the vertical curve, "within a foot or two".

Mr. Voorhees concurred stating that it's close to the western boundary of our property, the change in location was largely as a result of the discussions we had back in January.

Mr. Voorhees stated that he has to get the surveyor back out there in putting together a formal site plan, as well as the updated version of the environmental assessment form and bring it back before the board.

Hugh Kimball stated that he assumes the applicant has a fair to do list of things to do like the septic design, but you can't do that until you get the additional percolation results. The DEC (New York State Department of Environmental Conservation) will still want to see the delineation. They may want to come out and do that.

Mr. Yager questioned that. Why is the DEC going to want to see the delineation when he's not proposing to disturb any wetlands or be within the 100 foot boundary?

Mr. Kimball stated that they want to be sure that that's the case. It's a Class II Wetland, which is the second of the four classes and they want to make sure that that's the case. I have confirmed that.

Mr. Yager stated that that's what he's curious about, aren't you jumping the gun there a little bit as he hasn't indicated that he's disturbing any wetlands or if he's going to be anywhere within the buffer.

Mr. Kimball stated he thinks it's prudent to look at that during the subdivision process, for his sake, I think he wants to too. Actually my feeling is that your delineation is probably better than what I saw from DEC.

Mr. Voorhees stated that that's normal, DEC Wetland maps are based on interpretation of aerial photos and that's always different when you ground "truth" it. I have no problem asking the DEC to come out; it's just always a matter of when they could actually get there with their scheduling.

Mr. Kimball concurred stating that you might want to move on that earlier rather than later.

Mr. Kimball continued stating that the Town Highway Department is going to have to approve your road cut. None of us see any real problem with that.

Mr. Voorhees questioned if the board needs that before he's back in front of the board.

Mr. Kimball stated that not necessarily, but the more balls you get out of the air the better and the board may be in a position to approve the thing without seventeen conditions.

Mr. Allen reiterated that the Town Highway Superintendent has to approve the access on Gates; but I don't know why that even has to happen before the subdivision.

Mr. Kimball stated that technically it doesn't, but for his sake I would want it. You have to plan out your easements or whatever with your brothers so that you have a way to get there and make sure you still have a way to get to the property.

Mr. Voorhees concurred stating that he will work with his surveyor on that.

This item will be tabled until such time the applicant contacts the secretary to be placed on the agenda.

Mr. Voorhees thanked the board their time.

#### IV. NEW BUSINESS

1. Major Subdivision, Amendment The Timbers, LLC  
Section 1B, Lot 25 Long Shadow

There is a letter on file to Karen Rice, Clerk, from John Shields, P.E., Timber Banks, dated April 21, 2014, that will be made part of the public record, in part:

On April 1 The Timbers forwarded an application your office asking that the above referenced project be placed on the April 21 Planning Board agenda for the Board to waive the public hearing and grant Final Subdivision approval of Timber Banks Lot 25. Dimensions of the lot to be subdivided are consistent with those found on the approved Preliminary Plan and dedicated infrastructure is in place to serve the property and The Timbers sees this application as relatively simple. For this reason, The Timbers has elected not to send a representative this evening and is hopeful that any questions raised by the Board can be addressed by Town Staff or Consultants.

Al Yager, Town Engineer, stated that the applicant was before the board previously with an entire Final Plat; however with slow lot sales they pulled a number of lots out of that approval. This was approximately three years ago, so it was probably a good thing they didn't file all of the lots at once for tax purposes. This Final Plat matches the previously submitted plan that was in front of the board and approved. This is merely being done because they have a buyer for this lot.

William Lester reiterated that this will happen with every lot down the line.

Mr. Yager stated that there will be blocks, yes, but these are the high dollar lots within Timber Banks because they're over an acre in size. There are only six of them total along that cul de sac with the rest being medium density. With these lots around the cul de sac I can see that happening. If the board so chooses at some point in time if they want to slow that up they can, however it has never been the board's practice in the past.

Access was discussed.

Mr. Yager stated that it's a flag-lot configuration. There are two other flag-lots within this subdivision as well. There will be a shared driveway access agreement with the neighboring property owner for both access and utilities.

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

RESOLVED, that the Planning Board authorizes the Chairperson to review the Final Plat for the one (1) subdivision application of The Timers LLC for property located Lot 25, Long Shadow Drive, Tax Map Number 072.-03-36.1 and finding that all modifications and conditions have been met; and that the Final Plat is consistent with the approved Preliminary Plat; and that any differences found are not significant; the Board authorizes the Chairperson to waive the Final Plat Public Hearing and sign the Final Plat.

6 Ayes -- 0 Noes

2. Movement of Lot Line  
Case No. 2014—004

Van Patten, Donald  
8911 & 8921 Plainville Road

Donald Van Patten stated that he owns property located at 8911 & 8921 Plainville Road. They are in the process of selling the ranch house that they've owned since 1974. The property has been listed since 2010. The realtor thought it would be more appealing with more land so we decided to take property behind the ranch house that is currently pasture and add it to the ranch parcel and now we have a buyer. The potential purchaser, as it worked out, has a horse. Part of our contract is to offer free board for the first three to six months.

The remnant piece will contain a residence, outbuildings, barns and the riding ring.

Fred Allen stated that you can't really square the property off because you are constrained with one of the barns directly behind the ranch house.

Mr. Van Patten gave the history of how the parcel became to be among the family by inheriting different portions of the farm and its lot configurations

Hugh Kimball stated that the applicant is simply moving a lot line leaving plenty of access for both parcels.

Mr. Allen concurred stating that there is zero change in access.

This application did not require referral to the Onondaga County Planning Board for their review and recommendation as there is no change in the access on the County road, Plainville Road.

There was some discussion with regard to the .87 acre parcel being under the 80,000 square feet currently required. It was determined that that parcel is grandfathered and by adding the 0.15 acres it makes it more conforming to today's regulations.

There was some discussion with regard to the legal description of the proposed lot, more particularly the distance measured from the northwest corner of the property. It was determined that any discrepancy will be picked up by the Planning Board attorney during his review.

There being no further questions from the Board, Mr. Allen made the following motions:

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

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 Donald Van Patten, 8911 Plainville Road, Baldwinsville, New York Minor Subdivision application.

6 Ayes -- 0 Noes

The applicant has completed Part I, Project Information; Fred Allen, 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 Allen, Second by Kimball

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 Donald Van Patten, 8911-8921 Plainville Road, Baldwinsville, New York Minor Subdivision application, the Planning Board issues a NEGATIVE DECLARATION.

6 Ayes -- 0 Noes

RESOLUTION #5 -- Motion by Allen, second by Corey

RESOLVED, that the Planning Board, having reviewed the application of Donald Van Patten, for a subdivision of land for property located at 8911–8921 Plainville Road, Baldwinsville, New York, Part of Farm Lot No. 43 and Tax Map No. 027.-02-28.1 and 027.-02-29.2, as shown on a map dated February 26, 2014, prepared by Jay Holbrook, Licensed Land Surveyor, it has been determined that the request for a division of land is not considered a subdivision of land and the Planning Board authorizes the Chairman to sign the Final Plat with the following condition:

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

6 Ayes -- 0 Noes

Mr. Van Patten thanked the board for their time.

V. ADJOURN

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

RESOLVED, that the April 21, 2014 regular Town of Lysander Planning Board meeting adjourn at 7:32 p.m.

6 Ayes -- 0 Noes

Respectfully submitted,

Karen Rice, Clerk

