

TOWN OF LYSANDER  
PLANNING BOARD SPECIAL MEETING  
Monday, June 17, 2013 @ 7:00 p.m.

The regular meeting of the Lysander Planning Board was held Monday, June 17, 2013 at 7:30 p.m. at the Lysander Town Building, 8220 Loop Road, Baldwinsville, New York.

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

OTHERS PRESENT: Tim Frateschi, Esq.; Vince Kearney, Belgium Cold Springs Fire Department; Jim Laird; Kirsten Laird; Brittany Laird; Dan Pollock; David Bird; Carrie Martineau; David Bird, Jr.; Chislaine Howe; Steve Sehnert, Licensed Land Surveyor; E.F. Quilter; Cindy Dowd Green; Brian Bouchard; Mary Miller; David Razzante; Deborah Klamm; Kathie Ambrose; Mark Ambrose; Jeff Dack; Helen Schmid; Mark Belanger; Dough Reith, Licensed Land Surveyor; John VanWie; Julian Clark, Plumley Engineering; Hal Welsh, YMCA; Bob Ellis; D.C. Redfield; Al Scalzo; Jim Ruddock; Gary Pooler, Timber Banks; Ellen Kimball; Oscar Jensen; Antonio Vitale, RSA, Architects; Chris Iven; Kelly VanSanford; Tim Wolsey, Code Enforcement Officer; Karen Rice, Clerk

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

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

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| 1. Minor Subdivision | Laird, James       |
| Case No. 2013—006    | Smokey Hollow Road |

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

Tim Frateschi, Esq., stated that we received a letter from the Onondaga County Planning Board recommendation on behalf of the James and Angelika Laird Minor Subdivision, who determined that the referral will have no significant adverse inter-community or county-wide implications. The board is free to act on this application without any consideration for a majority plus one vote to overturn any recommendations they have, however the made the following comments, in part:

1. The Town should ensure that the proposed 13.69 acre parcel is a viable lot that can obtain access to Smokey Hollow Road, considering potential limitations due to easements and wetlands. Access to this parcel will be determined by sight distance availability to meet the requirements of the Onondaga County Department of Transportation; and
2. The Onondaga County Water Authority (OCWA) recommends that the municipality and/or applicant contact OCWA's Engineering Department early in the planning process to determine water availability and service options, obtain hydrant flow test information, evaluate backflow prevention requirements, and/or request that the Authority conduct hydrant flow testing to assess fire flow availability. Per OCWA, OCWA only has a water main on Smokey Hollow Road, south of the railroad tracks.

Mr. Frateschi continued stating that their comments are very standard comments. The board is free to act on this application as they so choose.

James Laird stated that they own 18 acres of land and would like to subdivide it into two parcels, one parcel being six acres with the house and the remaining twelve acres would remain unimproved, agricultural property.

The property is encumbered with easements, Empire State Pipeline (underground gas pipeline) and New York Power Authority (overhead power lines); the applicant is working with both agencies as well as the Onondaga County Department of Transportation for access to the remnant piece. There are no intensions of building on or improving the twelve acre parcel at this time, although a percolation test was done on the property to make sure it's a buildable lot rather than an agricultural lot and has been submitted for review.

James Aust questioned where the percolation tests were taken.

Mr. Laird stated that its north of the power lines in a 6 acre wooded area because that's the only buildable area on the 12 acres.

Hugh Kimball reasoned that that would be where the applicant wants his access to the road.

Mr. Laird concurred stating that that's why they're working with the utility companies to get an agreement for a driveway, even though we're not planning on building a driveway at this time.

Carrie Bird, 8639 Smokey Hollow Road, expressed concern with the driveway location shown on the maps on file, as it shows the only feasible access being on the south side of the power lines, against her property line and questioned what depreciation value would be placed on their property.

Fred Allen, Chairman, stated that the power line goes beyond the north boundary of your lot; for him to put a driveway up on the north side he would have to have permission from the New York Power Authority. He does have room to access that parcel between the house lot and the gas line easement, it's perfectly legal, a driveway could be cut there as it has all the sight distance, etc... It's not an issue with the subdivision to locate that driveway right now. We don't set any depreciation value on anybody else's property based on what a neighbor does. All we're looking at is strictly is the lot and subdivision conforming to Town Code and in this case it is.

Mrs. Bird questioned if a raceway track for personal use is allowed on the property per the Town Code; as Mr. Laird has built a dirt bike/4 wheeler raceway track on top of the Empire Pipeline and under the power lines.

David Bird, 8639 Smokey Hollow Road, stated that they have lived there for fourteen years and have been maintaining his property to the best of his ability. The area is loaded with ticks. Having six children he's concerned with doing things the safe way where the gas line and power lines are concerned.

Mrs. Bird added that in building the racetrack there is digging involved and having talked to Empire Pipeline a permit has not been applied for.

Mr. Bird stated that if there's a gas leak you'd be able to tell by the color of the grass, however you can't tell if there's a change in color because it's all dirt. We don't know what kind of hazard may already exist.

Mr. Frateschi stated that this seems like an enforcement issue where the Code Enforcement Officer would have to be involved if you believe the uses on that property are not allowed or are not adequate for that type of property. They can come out and see if he's violating any codes.

Mrs. Bird stated questioned if the home would be built in the area of the power lines.

Mr. Allen stated that they cannot build underneath the power lines; the easement clearly states no structures can be built there without them expressly saying they can. I'm sure that nobody is going to allow a house or any other kind of structure underneath the power line. The best he can do is going off into the woods and build a house on the other side. As far as use, that's really a Code Enforcement type of issue.

Mrs. Bird stated that Mr. Laird owns the land behind us as well; there appears to be a sufficient amount of land there to build a property; would he be able to do that in the future.

Mr. Allen concurred.

Mr. Frateschi added that what Mr. Laird is asking for tonight is a two lot subdivision, one lot with his existing home and the second lot to allow one additional house, only one house. Any further subdivision would have to come back before this board.

Mr. Allen stated that the location of the house isn't dictated by this board.

Mrs. Bird questioned if the subdivision he's proposing runs parallel with her northern property line to the railroad tracks.

Mr. Allen stated that the proposed property line follows the easement while the Bird's reviewed the maps of the proposal.

Mrs. Bird thanked the board for their time and clarification as to what is taking place.

The Public Hearing closed at 7:17 p.m.

PUBLIC HEARING -- 7:05 p.m.

Karen Rice, Clerk, stated that before we open the Paul Fowler, River Grove @ Radisson Public Hearing, the board has to review the SEQR (Short Environmental Quality Review) form.

RESOLUTION #1 -- Motion by Allen, 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 River Grove LLC, River Grove Phase II, Drakes Landing/Glacier Ridge/River Road Major Subdivision application.

7 Ayes -- 0 Noes

Mr. Allen stated that any action on SEQR must take place prior to opening the Public Hearing, therefore, the applicant has completed Part I, Project Information; the board is now in a position to review Part Two—Environmental Assessment:

- Does the action exceed any Type I threshold in 6 NYCRR, Part 617.12? No
- Will action receive coordinated review as provided for Unlisted Actions in 6 NYCRR, Part 617.6? No
- Could action result in any adverse effects associated with the following:
  - Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? No
  - Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? No
  - Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? No
  - A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? No
  - Growth, subsequent development, or related activities likely to be induced by the proposed action? No
  - Long term, short term, cumulative, or other effects not identified in the above questions? No
  - Other impacts (including changes in use of either quantity or type of energy)? No

Is there, or is there likely to be, controversy related to potential adverse environmental impacts? No

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

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 River Grove LLC, River Grove Phase II, Drake's Landing/Glacier Ridge/River Road Major Subdivision application, the Planning Board issues a NEGATIVE DECLARATION.

7 Ayes -- 0 Noes

2. Major Subdivision

Fowler, Paul/Belanger, Mark  
River Grove @ Radisson, Phase II

The Public Hearing opened at 7:21 p.m.

Stephen Sehnert, Licensed Land Surveyor, represented the applicant in their proposal for development of the remainder of the River Grove Subdivision, subdividing 9 acres into 19

residential building lots. The subdivision is serviced by private drives. All infrastructures are installed and/or ready to be tied in. Drainage areas are identified. A walkway is proposed along Hickory Knoll Lane, the Drakes Landing walkway is already installed.

Tim Frateschi, Esq., stated that we have a resolution from the Onondaga County Planning Board dated May 1, 2013 for this project. There are several WHEREAS'S which recite the project and then their resolution states NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board recommends the following modifications for the proposed action prior to local board approval:

1. No direct access shall be allowed to River Road per the Onondaga County Department of Transportation; and
2. The Onondaga County Department of Transportation has determined that the applicant must complete a drainage study or Stormwater Pollution Prevention Plan (SWPPP) to meet Department requirements verifying that the proposed development would not create additional stormwater runoff into the County's drainage system and is required to first contact the Department to determine the scope of the study; the applicant must submit the drainage study to the Department for approval and complete any appropriate mitigation as may be determined by the Department.

The Board offers the following comments:

1. The plan should provide the potential for future connection to one of the local subdivision roads for any parcels adjacent to the subdivision along River Road (e.g., Wisinski).
2. The Onondaga Water Authority (OCWA) recommends that the municipality and/or applicant contact OCWA'S Engineering Department early in the planning process to determine water availability and service options, obtain hydrant flow test information, evaluate backflow prevention requirements, and/or request the Authority to conduct hydrant flow testing to assess fire flow availability.
3. The Town and/or applicant should review the proposed road layout with the local fire department to ensure that the layout provides safe and efficient emergency vehicle access to all proposed lots.

Mr. Frateschi stated that this board can act at its discretion, if you want to overturn the decision of the County Planning Board about direct access onto River Road you'd have to do that with a majority plus one vote. You're free to act based on the subdivision plan in front of you.

Vince Kearney, Belgium-Cold Springs Fire Department, stated that the board knows how the fire department feels about private roads; are they built to Town specifications?

It was determined that they are not built to Town specifications.

Mr. Kearney questioned who maintains them during the winter and what happens if there's a problem with them?

Mark Belanger stated that the roads are maintained by the "sub-association", the Homeowner's Association maintains the roads. The geometry is not to Town specifications, the profile are to Town specs. The one variation from that is the asphalt (unclear).

Mr. Kearney questioned if they're built to support fire apparatus.

Mr. Belanger concurred adding that it was reviewed at the initial subdivision application.

Mr. Kearney stated that the fire department doesn't like private roads because of those issues, we're not sure who is going to maintain them, who is going to plow them during the winter, things of that nature.

Mark Ambrose, 3344 Hickory Knoll, stated that their existing road is a private road and asked if the remainder of the roads are going to be private.

Mr. Sehnert stated that it's a continuation of the original plan. They're all private roads; they're all under the legal jurisdiction of the Homeowner's Association to ensure that there is a viable group to take care of it. I believe you're all assessed to provide for that maintenance.

Mr. Ambrose questioned who the builder will be for the remainder of the subdivision.

Mr. Sehnert referred that question to Mr. Belanger, the owner of the property.

Mr. Belanger stated that he'd be happy to discuss that with Mr. Belanger. Tim Frateschi, Esq., stated that as it relates to the private road issue, there's no requirement that roads be dedicated to the Town. When a road is on a map, it is an offer of dedication to the Town, but a developer doesn't have to dedicate them to a Town and can keep and maintain them. Purchasers of property within such a development will know they're not public roads and they will not be plowed or maintained by the Town. Somebody has to maintain those roads and it's usually done through a Homeowner's Association. So, just for the record, there's no requirement under State Law that roads be dedicated to the Town.

The Public Hearing closed at 7:30 p.m.

PUBLIC HEARING -- 7:10 p.m.

3. Minor Subdivision Case No. 2013—009	VanWie, John Church/Wheaton Roads
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The Public Hearing opened at 7:30 p.m.

Tim Frateschi, Esq., stated that the application was forwarded to the Onondaga County Planning Board for their review and recommendation who have made the following determination, in a resolution dated June 12, 2013, in part:

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

1. The Onondaga County Health Department must formally accept or approve, respectively, any existing or proposed septic system to service this property prior Department endorsement of this subdivision plan.
2. The applicant is required to obtain a permit from the Onondaga County Department of Transportation for any proposed driveways and prior to any proposed work within a County road right-of-way. The Department notes that all access for proposed Lot 2 must occur from Wheaton Road.

Mr. Frateschi stated that a driveway cut has been reviewed by the Onondaga County Department of Transportation for Lot 1 on Church Road, all of the other lots will access on to Wheaton Road, which is a Town road.

The Board also offers the following comments:

1. The Board encourages the Town to consider the potential long-term effects of subdivisions to create new residential lots in rural areas, including areas containing NYS agricultural district properties and in farm/agricultural zoning districts, as potential conflicts with agricultural operations, changes to the rural character, reduction of open space and farmland, and impacts to road safety and mobility may cumulatively occur.
2. The Onondaga County Health Department advises that there should not be any septic system information, including soils and percolation rates, displayed on a subdivision map/plat that has not received septic system approval prior to Department endorsement of this subdivision plan.

Mr. Frateschi stated that both of those recommendations will be required. The comments are standard as it relates to considering the long term effects of the subdivision creating new residential lots, etc... This board is free to act on this as it deems necessary as there will not be any inter-community wide impacts.

Steve Sehnert, Licensed Land Surveyor, stated that the subdivision is at the northwest corner of Church & Wheaton Roads, approximately 27 acres in size, zoned Agricultural, no 100 year flood hazards, freshwater wetlands are identified on the map along with the appropriate 100' buffer that goes along with that. Ten foot contours are shown. The property has been divided into four lots varying in size from five acres up to almost ten acres. As the attorney indicated access for Lot 1 will be off Church Road with the remaining lots having to access from Wheaton Road. Each lot has had a percolation test with suitable perc on each one of four lots for eventual single family use. Final plans will be noted that the lots are not approved for single family uses at this time; because of the size of the lots we don't design a septic system until we have an idea of what type of home and what location is desired.

The Public Hearing closed at 7:35 p.m.

PUBLIC HEARING -- 7:15 p.m.

3. Subdivision of Land  
Case No. 2013—007

The Timbers  
River Road

The Public Hearing opened at 7:35 p.m.

Fred Allen, Chairman, stated that the Town Board reviewed and approved with a Negative Declaration the Long Environmental Assessment Form as part of the amendment to the Timbers General Project Plan. The Board is being asked to review a subdivision of land for a community facility.

Tim Frateschi, Esq., stated that we have several resolutions from the Onondaga County Planning Board this evening, that are identical to this one being read into record. They reviewed two subdivision plans and a site plan for the proposed YMCA.

Mr. Frateschi stated that the application as forwarded to the Onondaga County Planning Board for their review and recommendation for the proposed Northwest YMCA project on River Road, who made the following determination at their meeting of June 12, 2013, in part:

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

1. The applicant must complete all mitigation required by the Onondaga County Department of Transportation. The Onondaga County Department of Transportation notes that the intersection with River Road is not acceptable as shown on the Site Plan, and the Department requires a traffic signal at the intersection, and the Department is awaiting additional information from the applicant regarding the Patchett Road, River Road and Hicks Road intersection.
2. The Onondaga County Department of Transportation has determined that the applicant must complete a drainage study or Stormwater Pollution Prevention Plan (SWPPP) to meet Departmental requirements verifying that the proposed development would not create additional stormwater runoff into highway drainage systems and is required to first contact the Department to determine the scope of the study; the applicant must submit the drainage study to the Department for approval and complete any appropriate mitigation as may be determined by the Department.

The Board offers the following comments:

1. Should additional approvals be required for any changes to the Timber Banks development in the future, the applicant must complete an updated Traffic Impact Study to meet the requirements of the Onondaga County and New York State Departments of Transportation and complete any mitigation required by these departments.
2. The New York State Department of Transportation notes that the intersection of River Road and Route 31 has capacity constraints, and with limited mitigation options, the ability to accommodate future development on the peninsula may be impacted.
3. The Town is encouraged to continue to study and plan for land use on the Lysander peninsula, taking into consideration development pressures, limited transportation routes, availability and proximity of services, agricultural land preservation and avoidance of costly expenditures for infrastructure. The Syracuse-Onondaga County Planning Agency is willing to facilitate a discussion between the Town, State and County agencies to further explore conditions and options.
4. The Onondaga County Department of Water Environment Protection recommends that the municipality and/or applicant contact the Department at 315-435-6820 early in the planning process to determine sewer availability and capacity for any potential planned use of the site.
5. The Onondaga County Water Authority (OCWA) recommends that the municipality and/or applicant contact OCWA's Engineering Department early in the planning process to determine water availability and service options, obtain hydrant flow test information, evaluate backflow prevention requirements, and/or request that the Authority conduct hydrant flow testing to assess fire flow availability.

6. The municipality and the applicant are encouraged to reduce stormwater runoff and improve stormwater quality as much as practical by reducing impermeable surfaces and utilizing green infrastructure, and to visit the Onondaga County Save The Rain Program web site at <http://savetherain.us> and contact the Onondaga County Department of Water Environment Protection at 315-435-2260.

7. The Board encourages the Town and applicant and surrounding land owners to foster walkable connections and encourage bicycling accommodations onsite and throughout the Timbers community.

Mr. Frateschi stated that the last seven items are comments only and reminded the board that comments are not something that we would have to override by a majority plus one. They are simply comments for this board to consider when you go through the subdivision and site plan application.

Brian Bouchard, Clough-Harbour, represented the applicant stating that the first Public Hearing this evening is for Lot Y-1, consisting of 11.8 acre parcel that deals with the proposed YMCA. We are in on-going discussions with the Onondaga County Department of Transportation with respect to the scope of the project. Aside from the traffic signal they're also going to require turning lanes at both this intersection and the other intersection as well. We have a meeting set up with them to finalize the scope of those improvements but they'll likely require widening of River Road and that area to provide for the turn lanes and also a traffic signal. We prepared the SWPPP (Stormwater Pollution Prevention Plan), Mr. Yager has commented on it and we've submitted a subsequent response letter addressing all of his comments. The response letter also addressed both modifications that were requested of Onondaga County Planning Board and all of the comments as well.

Mr. Bouhcard reiterated that the first Public Hearing this morning is for the 11 acre parcel, more particularly the YMCA project.

Mr. Allen thanked Mr. Bouchard for his presentation and opened the floor to questions.

There being nothing further, the Public Hearing closed at 7:40 p.m.

PUBLIC HEARING -- 7:20 p.m.

4. Major Subdivision

The Timbers, LLC  
Section 1(B) and Section 3

The Public Hearing opened at 7:40 p.m.

Mr. Frateschi stated that the application as forwarded to the Onondaga County Planning Board for their review and recommendation for the proposed The Timbers LLC162 single family lot Major Subdivision off of River Road, who made the following determination at their meeting of June 12, 2013, in part:

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

1. The applicant must complete all mitigation required by the Onondaga County Department of Transportation. The Onondaga County Department of Transportation notes that the intersection with River Road is not acceptable as shown on the Site Plan, and the Department requires a traffic signal at the intersection, and the Department also is awaiting additional information from the applicant regarding the Patchett Road, River Road and Hicks Road intersection.
2. The Onondaga County Department of Transportation has determined that the applicant must complete a drainage study or Stormwater Pollution Prevention Plan (SWPPP) to meet Departmental requirements verifying that the proposed development would not create additional stormwater runoff into highway drainage systems and is required to first contact the Department to determine the scope of the study; the applicant must submit the drainage study to the Department for approval and complete any appropriate mitigation as may be determined by the Department.

The Board offers the following comments:

1. Should additional approvals be required for any changes to the Timber Banks development in the future, the applicant must complete an updated Traffic Impact Study to meet the requirements of the Onondaga County and New York State Departments of Transportation and complete any mitigation required by these departments.
2. The New York State Department of Transportation notes that the intersection of River Road and Route 31 has capacity constraints, and with limited mitigation options, the ability to accommodate future development on the peninsula may be impacted.
3. The Town is encouraged to continue to study and plan for land use on the Lysander peninsula, taking into consideration development pressures, limited transportation routes, availability and proximity of services, agricultural land preservation and avoidance of costly expenditures for infrastructure. The Syracuse-Onondaga County Planning Agency is willing to facilitate a discussion between the Town, State and County agencies to further explore conditions and options.
4. The Onondaga County Department of Water Environment Protection recommends that the municipality and/or applicant contact the Department at 315-435-6820 early in the planning process to determine sewer availability and capacity for any potential planned use of the site.
5. The Onondaga County Water Authority (OCWA) recommends that the municipality and/or applicant contact OCWA's Engineering Department early in the planning process to determine water availability and service options, obtain within the project area, and the project will avoid all potential habitat for this species; and hydrant flow test information, evaluate backflow prevention requirements, and/or request that the Authority conduct hydrant flow testing to assess fire flow availability.
6. The municipality and the applicant are encouraged to reduce stormwater runoff and improve stormwater quality as much as practical by reducing impermeable surfaces and utilizing green infrastructure, and to visit the Onondaga County Save The Rain Program web site at <http://savetherain.us> and contact the Onondaga County Department of Water Environment Protection at 315-435-2260.
7. The Board encourages the Town and applicant and surrounding land owners to foster walkable connections and encourage bicycling accommodations onsite and throughout the Timbers community.

Mr. Frateschi stated that the modifications are identical to the modifications for the YMCA subdivision and site plan approval resolutions. It's because the traffic generated from this subdivision and the YMCA will be pretty much the same traffic. Their main concern is the traffic that Mr. Bouchard previously discussed.

Brian Bouchard, Clough-Harbour, represented the applicant stating that they'd like to subdivide 162 building lots from approximately 300 acres (adjacent to the proposed YMCA site) with no plans for the remnant piece at this time. There will be a new public roadway to access the parcels from River Road. There will also be an interconnection with the existing Timber Banks Parkway so that there will be property fire access.

The Public Hearing closed at 7:42 p.m.

## II. APPROVAL OF MINUTES

Review and approval of the minutes of the April 15, 2013 and May 23, 2013 Planning Board meetings.

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

RESOLVED that the minutes from the April 15, 2013 regular Planning Board meeting be approved as submitted.

7 Ayes -- 0 Noes

The review and approval of the minutes of the May 23, 2013 special Planning Board meeting will be tabled until the July 15, 2013 Planning Board meeting.

### III. OLD BUSINESS

1. Minor Subdivision  
Case No. 2013—006

Laird, James  
Smokey Hollow Road

Tim Frateschi, Esq., stated that this is a simple two lot subdivision with one residential property and it conforms to zoning. The issue with the easements are issues between the applicant and whoever he has the easements with. We will monitor the situation as it relates to the curb cut.

James Aust questioned if we should consider what the property is being used for.

Mr. Frateschi stated that that has nothing to do with the subdivision of land, it's a use issue on the property and if the property is being used differently than is allowed under our Code then that's an enforcement issue, not an issue of creating a separate building lot which is all the board is being asked to do tonight.

Hugh Kimball stated that Al Yager, Town Engineer, reviewed the application and prepared the following report, in part: I have completed my review of the above referenced minor subdivision, overall it appears that the site conforms to all applicable Town Code requirements. Lot 2 will need to have a new percolation test conducted if a home is constructed on the south side of the utility easements crossing the property. It should also be noted that a driveway permit from the Onondaga County Department of Transportation will be required along with written confirmation from the utility companies stating that the proposed driveway can be located in the existing utility easement prior to building permits being issued.

There was some discussion as to how the board proceed with the approval process, approve as submitted, approve with conditions that access can be granted or approve it as a non-buildable lot.

Mr. Kimball stated that he's not comfortable approving a building lot that may or may not be.

Mr. Frateschi stated that the conditions that are being proposed by the engineer are conditions that we don't control. Those are conditions that the Onondaga County Health Department controls as it relates to a sewer system; and County DOT controls as it relates to the curb cut. A building permit won't be issued until those two conditions are met because he can't construct a house without either. I'm comfortable going forward approving it as it is, knowing that it's the County who has to issue the permissions that the engineer is referring to.

Fred Allen, Chairman, questioned if it should be noted on the plan that it's a non-residential building lot at this time as we don't know the location of the percolation test holes, septic location and/or home location.

Mr. Frateschi stated that the County Health Department will probably stamp is as a non-buildable lot until they know where the house is going to go and where the septic system is going to go. The lot conforms to the Town's standards of frontage, acreage, configuration, etc... Where the house goes on the lot is going to be a determination of our building department and the County Health Department and the County Department of Transportation.

Jim Laird stated that there is no concern about building between the gas line and that northern property line. We don't have any intension of doing that. We have to put a note on the plan that there will never be a house built there, physically there's not enough room there to build a house because of the gas line location and by the time you add building setback lines to that northern property we couldn't build even a shed there. There's no intension nor now or ever to build a house south of the utilities, the only logical and equitable place to build a house would be on the north side and that's why we're working with the utility companies to get the driveway up towards the north side. There's no space to really build a house there anyway and that's why the perc test was done on the north side of where logically a house might be located if we ever decide to do that. We did that at the request of the Town Engineer at our meeting two months ago. We understand that if the County has any changes in their Code or in the requirements we would have to do that prior to getting a building permit through due diligence here at the Town.

Mr. Aust asked the applicant why he was splitting the property off if he's not going to build on it.

Mr. Laird stated that they've always thought of having their family from Pennsylvania retire to this area if they so choose. We've got property if they ever decide to build a place; it's the perfect location for them to come live next door. Part of the reason is to frankly just separate it from the house in case we ever decide to sell the house but keep some land in New York. There's no intension to do anything right now.

Mr. Aust stated that that's his concern, the terms "right now" and "ever".

Mr. Laird stated that he understands that he could build a house if he wanted to but it would need to be coordinated with the Code Enforcement Officer and the County Health Department. Percolation tests were performed just to show the board that the soils are appropriate for a conventional septic system or a raised mound septic system. It's just planning ahead if my folks decide to move north and live next to us.

Mr. Laird stated that they do use the property for recreation, having five children himself and when they decided to move to New York they decided to buy some land because they like to play...we can't afford to build a soccer field or build a tennis court so we go elsewhere for those, but we certainly can build a little motor-cross track for two of my three daughters that race competitively. I wouldn't call it a race track because when we go to a race track it's quite a facility where you pay to get in. We are blessed to have so many in this region. There are a dozen race tracks here so when we go race we have to be prepared to go race. I would call it a little practice area. If you'd like to see it you can go on Google earth and look at the history of it. We've improved it a few times over the last five years since we've lived here. For various reasons we can't welcome anybody to the property to ride there, there's just too much liability, which is the same reason we can't invite our neighbor's, the Bird's over, there's just too much liability. I wish I had known that the Bird's had a concern about the track. They've never voiced their concern to me until tonight.

Mr. Laird addressed the Bird's stating that if you have any concerns with it, let me know, but it's legal, as far as I know there's no non-conformancies. I'd be very happy to talk with the Zoning Officer, as a matter of fact I'll talk to him tomorrow. If there's any non-conformancies I think it's on the behalf of our neighbor's and we'd be happy to talk to him about that, I'll do that tomorrow. Thank you.

#### FINDINGS:

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

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

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

This action has been referred to the Onondaga County Planning Board, with the findings having been made part of the public record.

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 #3 -- Motion by Allen, Second by Corey

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 James and Angelika Laird for property located at 8613 Smokey Hollow Road, Part of Farm Lot No.68, and Tax Map No. 055.-01-05.1, as shown on a map dated May 21, 2013, prepared by Cottrell Land Surveyors , is hereby approved.

7 Ayes -- 0 Noes



- 3) Letter from the Radisson Community Association stating compliance with the Radisson Residential Controls.

7 Ayes -- 0 Noes

All modifications and conditions, setforth in the plat approval, must be met within the prescribed time period for the application to be considered approved for filing the plat in the Onondaga County Clerk's office and the issuance of building permits.

3. Minor Subdivision  
Case No. 2013—009

VanWie, John  
Church/Wheaton Roads

Hugh Kimball stated that Al Yager, Town Engineer, reviewed the application and prepared the following report, in part: I have completed my review of the above referenced minor subdivision, overall it appears that the site conforms to all applicable Town Code requirements. Lots 1 and 2 have an awkward boundary line but do meet the four to one ratio requirement. I have no objections the Planning Board approving this minor subdivision at this time. It should also be noted that the driveway permits from the Highway Superintendent will be required prior to building permits being issued for the lots.

**FINDINGS:**

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

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

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

This action has been referred to the Onondaga County Planning Board, with findings having been made part of the public record.

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 #6** -- Motion by Allen, Second by Aust

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 four (4) lot subdivision application by John VanWie for property located at Wheaton and Church Road, Baldwinsville, New York, Part of Farm Lot No. 53 and Tax Map No. 0027.-04-011.1, as shown on a map dated May 2, 2013 and revised May 23, 2013, prepared by Stephen Sehnert, Licensed Land Surveyor, is hereby approved.

7 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 Planning Clerk's office.

**RESOLUTION #7** -- Motion by Allen, Second by Kimball

RESOLVED, that in granting a subdivision to John VanWie for property located at Wheaton and Church Roads, Baldwinsville, New York, the Planning Board invokes its right to impose a fee of \$150.00 per lot for four (4) lots, in lieu of land for the development of parks, playgrounds, recreation or open land areas in the Town.

7 Ayes -- 0 Noes

Mr. Sehnert thanked the board for their time.

Fred Allen, Chairman, questioned if there was a letter on file from Al Yager, Town Engineer.

Tim Frateschi, Esq., suggested doing the subdivision and site plan together to see how it will relate to each other.

Mr. Allen stated that he did not believe the board was in a position to approve the site plan this evening.

Karen Rice, Clerk, stated that she spoke with Al at 5:30 this evening and he doesn't have any concerns with approving the minor subdivision or even conditionally approving the site plan for that matter.

Mr. Frateschi reiterated that the explanation could be handled together of how they're going to inter-relate the site plan and subdivision. The subdivision minus the site plan results in nothing, you could do the subdivision but you could only do something that's allowed in that zone. Karen added that it will also get it off the agenda.

The board concurred that the subdivision is straight forward.

Mr. Allen stated that the SEQR is done, the GPP amendment has been approved, and it is now a community facility zoned area where this use is allowed.

#### FINDINGS:

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

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

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

This action has been referred to the Onondaga County Planning Board with findings having been made part of the public record.

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 #8 -- Motion by Allen, Second by Kimball

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 The Timbers LLC for property located at River Road, Baldwinsville, New York, Part of Farm Lot No. 88, and Part of Tax Map No. 072.-01-08.1, as shown on a map dated February 26, 2013, prepared by Earl F. Geer, III, Licensed Land Surveyor, is hereby approved with the following modifications and conditions:

1) All outstanding fees associated with this application, including expert fees if applicable, and fees in lieu of land for public use are paid to the Town Clerk.

BE IT FURTHER RESOLVED that all conditions associated with this application must be completed within one-hundred, eighty (180) days of this Final Plat approval or such approval shall expire.

All modifications and conditions, setforth in the Final Plat approval, must be met for the application to be considered approved for filing the plat in the Onondaga County Clerk's office and the issuance of building permits.

7 Ayes -- 0 Noes

Fred Allen, Chairman, stated that Al Yager, Town Engineer, had several comments in his review letter to be addressed.

Kevin Bernstein, YMCA, concurred stating that the board should have a copy of the response letter. Comments with regard to the Stormwater Pollution Prevention Plan was submitted as well with a revised plan.

Mr. Allen questioned if Al had the opportunity to respond to those comments.

Mr. Bernstein stated that he's not aware if Mr. Yager has responded by letter but he and James Trasher, Clough Harbour, have had conversations.

It was determined that the documents came in after Mr. Yager left on Friday who is out of the office today for a family emergency.

Brian Bouchard, Clough Harbour, stated that we took Mr. Yager's recommendations and made the changes. The changes that were made improved the plan as well as details of the stormwater system itself. The changes that were made were at the request of Al and we didn't stray from that.

James Hickey stated that he spoke with Al today and he's ok with the site plan as long as it complies with his change request if the board wanted to act this evening.

Mr. Bouchard continued stating that if he does require something more, as an MS4 we are obviously obligated to change it in order to obtain his signature. Therefore, if he does have any minor comments after he looks at it they will be addressed before the SPDES (State Pollutant Discharge Elimination System) permit is issued.

Mr. Allen stated that we don't have a resolution prepared for this evening.

Hugh Kimball stated that with a project of this size he'd like to have Al's presence and comments before we finalize this. We can ask our questions though.

Mr. Frateschi stated that his expectation for tonight would be to look at the site plan, you get all your questions out, if there are no questions or concerns, great, if there are concerns lets address them tonight and request that a resolution be prepared for the next board meeting for you to vote on.

Mr. Bouchard reviewed and responded to Mr. Yager's letter of June 11, 2013; both Al's letter and Clough Harbour's response dated June 14, 2013 are on file with the secretary. All suggested changes were incorporated in the site plan.

There was discussion with regard to the proposed meeting with the Onondaga County Department of Transportation (County DOT) with Mr. Bouchard stating that it is scheduled for Wednesday, June 19<sup>th</sup> at 10:00 a.m.

Mr. Frateschi questioned how the site will change between now and our next meeting of July 11, 2013.

Mr. Bouchard stated that very little will change, with the exception of the County DOT road widening and the traffic signal.

Mr. Frateschi stated that if the site plan's not going to change significantly we can start drafting plan so I don't see a lot of details. I'll work with Mr. Bernstein to see if there's any additions he wants to add to it. It will be ready for the next meeting.

It was determined that nothing will take place until after the Cold Springs Bridge work is completed, on or about November 15<sup>th</sup>.

There was some discussion with regard to the anticipated construction date.

Mr. Bernstein stated that more fund raising is required, as soon as we're at a point financially we'll start.

Cindy Dowd Greene, Chairperson, Baldwinsville/Northwest YMCA, stated that we can't fund raise until the site plan is approved because of the variations our community has experienced with this. People are basically saying we won't give you additional funds until you have approval.

Mr. Frateschi questioned if they'll give you additional funds now that you have subdivision approval.

Elizabeth Quilter, Northwest YMCA, stated that one of the applications we need to submit is for the Regional Economic Development Council, which is due in early August, which is a one-time opportunity.

Mr. Frateschi stated that the board can make a motion to conditionally approve the site plan based on the conversations of tonight and the Planning Board preparing the final resolution. There doesn't appear to be any issues with the site plan.

Mr. Allen asked the representatives if doing something like that would help them and they emphatically said yes and thanked the board.

Mr. Kimball stated that he'd still like to hear from the Town Engineer at the next meeting about the items addressed in his letter and the response letter.

William Lester stated that he talked with AI this evening, asking his opinion about Clough Harbour's response letter, which I think is key, and he's very comfortable with it.

Mr. Allen concurred stating that he spoke with AI a week or so ago and he indicated that he was comfortable with a conditional approval.

RESOLUTION #9 -- Motion by Allen, Second by Hickey

The Planning Board hereby resolves that the Site Plan for the Northwest YMCA, River Road, Baldwinsville, New York, dated June 14, 2013, prepared by Clough Harbour, is conditionally approved and further directs the attorney for the Planning Board to draft a resolution incorporating any mitigations measures requested by the County of Onondaga and the Town Engineer, pursuant to the Engineer's letter of June 11, 2013 and the County Resolution dated May 23, 2013

7 Ayes -- 0 Noes

Representatives from the YMCA thanked the board for their time.

6. Major Subdivision

The Timbers, LLC  
Section 1(B) and Section 3  
River Road

AI Yager, Town Engineer, reviewed the application and prepared a letter dated June 14, 2013 that was forwarded to the applicant's representative and the board members.

Gary Pooler, Timbers, LLC, stated that we have some lots that are too wide. We have to sit down with AI and go over his letter and asked that this item be tabled until the next meeting.

Hugh Kimball questioned when the internal road will connect from the YMCA back to the rest of your area.

Mr. Pooler stated it's up to the market and how quickly we can sell those houses. Mr. Pooler indicated on the plan what their intent is for development. The Town wants what we want and that's circulation.

William Lester suggested a walking trail in the meantime for people to walk to the YMCA rather than getting out into traffic.

Mr. Pooler stated that there are sidewalks currently along Timber Banks Parkway with more sidewalks proposed (indicating on plan) with one eventually to the YMCA, etc...

Mr. Hickey questioned if there has been any progress in connecting the trails from the Timber's to Radisson's.

Mr. Pooler stated that there are a couple parcels between this property and those.

There being nothing further this item will be tabled until such time that the applicant wants back on the agenda.

Mr. Pooler thanked the board for their time.

7. Site Plan Review  
Case No. 2005—020

Fava, Frank  
Glacier Ridge Road

Frank Fava stated that he's one of the owners of the Center Pointe Apartment Complex and is before the board this evening with plans showing how this three story, 26 unit apartment building that will be sprinklered and have elevators, will fit in with their existing complex. There has been a slight change to the plan and that's the expansion of the attached garages. They have been expanded by 4' with the intent of giving them additional storage in the garage, as shown on this evening's submittal.

Karen Rice, Clerk, stated that the only thing Al said about this application is that he needs to review the SWPPP (Stormwater Pollution Prevention Plan), which Dunn & Sgromo is working on.

There was some discussion with regard to the number of handicapped parking spaces are required

Mr. Fava stated that they are showing two.

It was determined that that's a function of the New York State Building Code. 1 to 25 parking spaces require one handicapped parking space, while 26 to 50 parking spaces requires two.

Plans have been submitted to the Belgium-Cold Springs Fire Department for their comments.

A letter from the Radisson Community Association will be required. Lynn Tanner, RCA, indicated in an email of March 6, 2013 that she doesn't see getting an approval letter for Frank Fava's project being a problem.

There being nothing further this item will be tabled until such time that the applicant's wants back on the agenda.

#### IV. NEW BUSINESS

1. Minor Subdivision  
Movement of a Lot Line  
Case No. 2013—010

Reith, Douglas/Church Judith  
Church Road

Doug Reith, Licensed Land Surveyor, stated that he's before the board this evening to move a lot line so that he can acquire more land on Church Road. The proposal is to take approximately 3.55 acres from a 31 acre parcel and add it to property he currently owns and combine them into one lot.

There was some discussion with regard to access of the remnant piece. It was determined that there is still enough access along Church Road. Any access off of Oswego Road would be dictated by the New York State Department of Transportation.

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

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

1. The New York State Department of Transportation has determined that all access for both proposed parcels must occur from Church Street.

2. The applicant is required to obtain a permit from the Onondaga County Department of Transportation for any proposed driveways and prior to any proposed work within a County road right-of-way.

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

- Does the action exceed any Type I threshold in 6 NYCRR, Part 617.12? No
- Will action receive coordinated review as provided for Unlisted Actions in 6 NYCRR, Part 617.6? No
- Could action result in any adverse effects associated with the following:
  - Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? No
  - Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? No
  - Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? No
  - A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? No
  - Growth, subsequent development, or related activities likely to be induced by the proposed action? No
  - Long term, short term, cumulative, or other effects not identified in the above questions? No
  - Other impacts (including changes in use of either quantity or type of energy)? No

Is there, or is there likely to be, controversy related to potential adverse environmental impacts? No

RESOLUTION #10 -- Motion by Kimball, Second by Hickey

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 Dough Reich, Church Road, Baldwinsville, New York, Minor Subdivision/Movement of a Lot Line application.

7 Ayes -- 0 Noes

RESOLUTION #11 -- Motion by Corey, Second by Kimball

RESOLVED, THAT HE Planning Board, 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 Doug Reith, Church Road, Baldwinsville, New York, Minor Subdivision/Movement of a Lot Line application, the Planning Board issues a NEGATIVE DECLARATION.

7 Ayes -- 0 Noes

RESOLUTION #12 -- Motion by Allen, Second by Hickey

RESOLVED, that the Planning Board, having reviewed the application of Douglas Reith, for a subdivision of land for property located on the north side of Church Road, 400' westerly of Route 690, Baldwinsville, New York, Part of Farm Lot Nos. 56 and 67 and Tax Map No. 030.-03-06.1, as shown on a map dated May 30, 2013, prepared by Douglas Reith, 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 Planning Board Chairman to approve the division of land with the following conditions:

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

7 Ayes -- 0 Noes

Mr. Reith thanked the board for their time.

2. Minor Subdivision	Pollock, Dan
Case No. 2013—011	Oswego Road

Karen Rice, Clerk, stated that the Judy Church, Church/Oswego Road Subdivision was before the board two months ago, the current owner of the parcel wants to resubdivide the parcel by subdividing out a four acre parcel.

Dan Pollock stated that when he bought the property the intention all along was to subdivide this to recoup some of the money that was spent on the purchase and prior subdivision.

There was some discussion with regard to access from NYS Route 48/Oswego Road.

Mr. Pollock provided a letter from Mark Bush, ARE Onondaga West, NYS Department of Transportation, dated June 10, 2013, which will be read into the public record, in part:

The Department is amenable to issuing a permit for entrances to the subdivided property with the following conditions.

1. Proposed Lot #1 is currently zoned General Commercial. Portions of this lot are without access along Route 48. No driveway will be permitted in these areas. Lot #1 does not currently have access along Route 48. The frontage along Church Road shall remain as the access point for the lot. Further subdivisions of Lot #1 may necessitate a subdivision access road.
2. Proposed Lot #2 is intended to be utilized as a residential property. A driveway permit has been issued to allow one access point along Route 48. Highway Work Permit 2013-02-36625 will allow for construction of one residential driveway within the highway Right-of Way. Any driveway, structure or earthwork installed must not interfere with, or impede the flow of the existing highway drainage in the vicinity of the parcels.
3. Proposed Lot #3 is intended to be utilized as a residential property. A Highway Work Permit allowing the construction of a residential driveway to Lot #3 may be issued to the owner of record, upon submission of a residential building permit and site plan for the lot. The proposed residential driveway will be the access point for the lot. Any structure or earthwork installed must not interfere with, or impede the flow of the existing highway drainage in the vicinity of the parcels.

Doug Reith, Licensed Land Surveyor, stated that because the property is under five acres a septic system will have to be designed, which is underway.

Mr. Pollock concurred stating that the percolation tests have been done and are acceptable; a building permit is underway for the remnant piece.

The application will be forwarded to the Onondaga County Planning Board for their review and recommendation.

RESOLUTION #13 -- Motion by Allen, Second by Daprano

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 Dan Pollock Church Road, Baldwinsville, New York Minor Subdivision application.

7 Ayes -- 0 Noes

RESOLUTION #14 -- 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 Dan Pollock Church Road, Baldwinsville, New York Minor Subdivision application, the Planning Board issues a NEGATIVE DECLARATION.

7 Ayes -- 0 Noes

RESOLUTION #15 -- Motion by Allen, Second by Corey

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 Dan Pollock for a subdivision of property located on the west side of NYS Route 48, ½ mile north of Church, Baldwinsville, New York, Part of Farm Lot No. 57 and Tax Map No. 030.-02-06.1, for a development of two (2) lots from a parcel of twenty (20) acres. Conditioned upon filing a complete application and paying to the Town Clerk the appropriate fees.

7 Ayes -- 0 Noes

Mr. Pollock thanked the board for their time.

V. OTHER BUSINESS

- |  |  |
|--|--|
| 1. Info Only—Controlled Site<br>Case No. TBD | Barbur, Keith<br>2973 West Bridge Street |
|--|--|

There was no representation. This item will be taken off of the agenda until the applicant contacts the secretary to be placed back on.

2. Amend 2013 Planning Board Meeting Schedule

Fred Allen, Chairman, stated that there is a conflict with the April 19, 2013 Planning Board meeting as the secretary and Town Engineer will be out of Town. Our meeting date will be changed to Thursday, August 15, 2013.

RESOLUTION #15 -- Motion by Lester, Second by Hickey

RESOLVED, that the Planning Board amend the Town of Lysander 2013 Planning Board Meeting Schedule, more particularly the meeting of Monday, August 19, 2013 will be changed to Thursday, August 15, 2013.

VI. ADJOURN

RESOLUTION #16 -- Motion by Allen, Second by Corey

RESOLVED, that the June 17, 2013 regular Planning Board meeting adjourn at 9:05 p.m.

Respectfully submitted,

Karen Rice, Clerk