

TOWN OF LYSANDER
PLANNING BOARD SPECIAL MEETING
Thursday, August 15, 2013 @ 7:00 p.m.

The special meeting of the Lysander Planning Board was held Thursday, August 15, 2013 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 Aust

MEMBERS ABSENT: James Hickey

OTHERS PRESENT: Al Yager, Town Engineer; Dan Barnaba, Eldan Homes; Frank Costanzo; ZBA; Steve Sehnert, Licensed Land Surveyor; Dough Reith, Licensed Land Surveyor; Dan Barnaba, Eldan Homes; James Bondur, Eldan Homes; and Karen Rice, Clerk

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

Fred Allen, Chairman, stated that he is part owner of CNY Crops; therefore Joanne Daprano will be designated as Acting Chairman for the first public hearing.

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

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| 1. Minor Subdivision
Case No. 2013—012 | CNY Crops
Plainville Road |
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The Public Hearing opened at 7:00 p.m.

Stephen Sehnert, Licensed Land Surveyor, represented the applicant stating that they own a parcel approximately 50 acres in size with a residence on the east side of Plainville Road. They would like to subdivide the two-story wood-frame house and a little over 80,000 square feet with 250' at the road to offer for sale. They will continue to farm the remnant piece. There are no freshwater wetlands, there is no 100 year flood hazard, it is not in an Agricultural Taxing District, however it is farmed as previously stated.

The Public Hearing closed at 7:02 p.m.

II. APPROVAL OF MINUTES

Review and approval of the minutes of the June 17, 2013 and July 15, 2013
Planning Board meetings.

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

RESOLVED, that the minutes of the June 17, 2013 regular Planning Board meeting be approved as submitted.

6 Ayes -- 0 Noes

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

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

5 Ayes -- 1 Abstain (Kimball was not present at the July 15, 2013 meeting)

III. OLD BUSINESS

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| 1. Minor Subdivision | CNY Crops |
| Case No. 2013—012 | Plainville Road |

Joanne Daprano, Acting Chair, stated that the application was forwarded to the Onondaga County Planning Board for their review, who made the following recommendation:

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board has determined that said referral will have no significant adverse inter-community or county-wide implications. The Board has offered the following COMMENT(S) in regards to the above referral:

1. 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 the right-of-way.
2. The Onondaga County Health Department must formally accept or approve, respectively, any existing or proposed septic system to service this property prior to Department endorsement of this subdivision plan.

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 who have determined that the referral be acted upon by the referring board, with their comments having been read into the record.

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

RESOLUTION #3 -- Motion by Daprano, 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 minor subdivision application by CNY Crops, for property located at 8692 Plainville Road, Baldwinsville, New

York, Part of Farm t No. 53, and Tax Map No. 027.-04-01, as shown on a made dated June 14, 2013, prepared by Stephen Sehnert, Licensed Land Surveyor, is hereby approved.

5 Ayes -- 0 Noes

RESOLUTION #4 -- Motion by Daprano, Second by Kimball

RESOLVED, that in granting a subdivision to CNY Crops for property located at 8692 Plainville Road, Baldwinsville, New York, the Planning Board invokes its right to impose a fee of \$150.00 per lot for one (1) lot, in lieu of land for the development of parks, playgrounds, recreation or open land areas in the Town.

0 Ayes -- 5 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.

III. NEW BUSINESS

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| 1. Minor Subdivision | Grady, John |
| Case No. 2013—013 | Cross Lake Road |

Doug Reith, CNY Land Surveying, represented John Grady who owns approximately 14 acres on Cross Lake Road and would like to subdivide out a two acre parcel around the existing residence and sell it off. There are no wetlands associated with the parcel. The property is zoned Agricultural and is in an Agricultural Taxing District.

Hugh Kimball questioned if they would have enough frontage down the road on either side of the house.

Mr. Reith stated that they will have enough frontage on either side if they want to. However, they may not be allowed access on the north side because of the curve.

Fred Allen, Chairman questioned if they were retaining the land.

Mr. Allen concurred.

Mr. Reith added that the remainder of land is being farmed.

William Lester questioned access to the remnant piece.

Mr. Reith stated that the plan has been revised showing a driveway coming in on the south end to be reviewed and approved.

There was some confusion as to whether or not Cross Lake Road was a County road as it was not listed in the Code as a Collector road. That doesn't necessarily mean it's not a County road and after further research it was determined to be a County road.

Application will have to be made to the Onondaga County Department of Transportation.

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

RESOLUTION #5 -- Motion by Allen, Second by

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 John Grady, Cross Lake Road, Baldwinsville, New York Minor Subdivision application.

6 Ayes -- 0 Noes

RESOLUTION #6 -- 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 John Grady, Cross Lake Road, Baldwinsville, New York Minor Subdivision application, the Planning Board issues a NEGATIVE DECLARATION.

6 Ayes -- 0 Noes

RESOLUTION #7 -- Motion by Allen, Second by Daprano

RESOLVED, that a Public Hearing be held within sixty-two days at a date and time designated by the secretary on the application of John Grady, for a subdivision of property located at 7378 Cross Lake Road, Baldwinsville, New York, Farm Lot No. 96 and Tax Map No. 036.-02-15, for a development of two (2) lots from a parcel of approximately fourteen (14) acres. Conditioned upon filing a complete application and paying to the Town Clerk the appropriate fees.

6 Ayes -- 0 Noes

Mr. Reith thanked the board for their time.

2. Minor Subdivision	Kohutanich, Robert
Case No. 2013—014	Lamson Road

Doug Reith, CNY Land Surveying, represented the applicant stating that the Kohutanich's would like to purchase 35 acres from a parcel of approximately 59 acres on Lamson Road, to be used as a wood lot. The remnant piece contains a single family residence and out-buildings. The proposed parcel will have approximately 264' on Lamson Road. There are National wetlands associated with the parcel, as shown in the area of the barn and house.

Hugh Kimball questioned the size of the wetlands.

Mr. Reith stated that he doesn't have that answer; they were taken off of the maps that Fish & Wildlife put out, that's why they are shown as approximate.

Mr. Reith continued stating that the property is zoned Agricultural, with most of the land being farmed; which will be continued.

The property is on Lamson Road and will require referral to the Onondaga County Planning Board for their review and recommendation; as well as an approval from the Onondaga County Clerk's Office.

Mr. Reith provided an amended subdivision plan showing the proposed driveway which will be made part of the package forwarded to County.

RESOLUTION #8 -- 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 Ronald Kohutanich, Lamson Road, Baldwinsville, New York Minor Subdivision application.

6 Ayes -- 0 Noes

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

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 Ronald Kohutanich, Lamson Road, Baldwinsville, New York Minor Subdivision application, the Planning Board issues a NEGATIVE DECLARATION.

6 Ayes -- 0 Noes

RESOLUTION #10 -- Motion by Allen, Second by Corey

RESOLVED, that a Public Hearing be held within sixty-two days at a date and time designated by the secretary on the application of Ronald Kohutanich, for a subdivision of property located at Lamson Road, Baldwinsville, New York, Farm Lot No. 46 and Tax Map No. 026.-01-06, for a development of two (2) lots from a parcel of approximately sixty (60) acres. Conditioned upon filing a complete application and paying to the Town Clerk the appropriate fees.

6 Ayes -- 0 Noes

Mr. Reith thanked the board for their time.

3. Minor Subdivision
Case No. 2013—015

Coniber, Donna
Cross Lake Road

There was no representation; this item will be taken off of the agenda until further notice.

IV. OLD BUSINESS

1. Major Subdivision

Eldan Homes/Radisson Associates
Crimson Ridge, Phase 5

Fred Allen, Chairman, provided a copy of the Scope of Services provided by the Town Engineer for the review of this application to be signed and returned prior to any approvals.

Dan Barnaba introduced Stephen Sehnert, Licensed Land Surveyor and his business partner, James Bondur, Radisson Associates, stating that the board has seen several sections of this project. Years ago a sketch/conceptual plan was subdivided showing 34+ duplex/triplex homes in this section of the property, however with market changes there is limited market for attached homes with a growing market for big lot opportunities. We have developed a plan for ten (10) lots coming in off of a private road, with a stand-alone lot on Sabin Road. The smallest lot being a little over ½ acre with the largest one being approximately 3 ½ acres but 1 ½ of those acres are encumbered with wetlands (Lot 5). At this board's direction at a prior meeting we proceeded to the Radisson Community Association (RCA), presented the plan to them and we understand that their board voted and approve the plan with some "requests". There is a section of land here (indicating on plan) that we intend to donate to the RCA. We have sectioned off the property for a stormwater basin, number, size and shape to be determined with the number of houses to be built. We are seeking preliminary plan approval for this lay-out, if approved we'd undertake the engineering, design and review process for anything that's constructed.

Mr. Barnaba continued stating they are contemplating what to do with the Sabin Road as sewer would have to be brought in at a considerable expense for this lot. It may be offered to adjacent property owners or be absorbed with the other two proposed lots. It would be ideal for a barn/shed type structure, but the RCA does not allow such structures.

There was some discussion with regard to the Town's abandoned water line easement. Mr. Barnaba asked that Al Yager, Town Engineer, look into having the Town release that easement. The waterline hasn't been used in decades and from what Mr. Sehnert tells me it has been abandoned on the parcels east and west of this parcel.

There was considerable discussion with regard to the private road; as there was at the last meeting. Mr. Allen stated that it doesn't appear that this has changed any from the initial presentation.

Mr. Barnaba stated that he hasn't given significant consideration to the nature of how the road will be constructed and am relying on the Project Engineer, Town Engineer and any in-put from the Fire Department as the road standard that would be used. I expect one end of the spectrum would be to build it to a public road standard and the other end of the spectrum would be to be built to a driveway standard. I expect we will find something reasonable that's in between. It's not just the cost of constructing the road, but ten residences who are going to be responsible for the long term maintenance of that road so we'd want something that will hold up over a reasonable period of time but is cost effective to construct and maintain.

Mr. Allen stated that the board was provided with a copy of the NYS Fire Code, Section 503.2.5 discusses "dead ends", which states: Dead-end fire apparatus access roads in excess of 150' in length shall be provided with an approved area for turning around fire apparatus as required in Section D 103.4 of Appendix D.

Mr. Allen further stated that there are two acceptable configurations for roads over 150', 151 to 500 feet; one is 60' wide or a 96' diameter cul de sac.

Mr. Barnaba was provided with copies of the of the Code and was asked if he would be interested in exploring either one of those options.

Mr. Barnaba stated that he'd have to research them a little bit further.

Mr. Allen referred to the Code Enforcement Officer for his interpretation.

Tim Wolsey, Code Enforcement Officer, stated that the road has to be 26' wide and hold 75,000 pounds.

Mr. Allen...with a turnaround capability.

Mr. Wolsey stated that there are a couple other options; you have to have a 96' turn-around or a "Y" configuration.

Mr. Allen stated that both of the proposed "roads" are over the 150' limit.

Mr. Barnaba questioned the date of the regulation.

Mr. Allen stated that its 2010.

Mr. Barnaba reiterated that he'd like to research it further and look into what opportunities there are for perhaps waivers, things of that nature.

Mr. Allen stated that just from a practicality standpoint, I'm not sure that I'd want to be the lot at the end of the road where fire trucks have to turn around.

Mr. Wolsey stated that typically the problem with that is that will be where snow ends up; when people plow the snow they end up in that hammerhead/turn around.

Mr. Barnaba stated that he'd hate to be bound to a design standard that basically deals with the "possibility" of a fire occurring once over 100 years. There's an element to the people buying these lots, buyer beware...there are a lot of instances where somebody buys 500' of property and they put their own driveway getting back to their house. I don't know if there's such a standard for that.

Mr. Allen stated that it's a State standard and I'm not sure there's a whole lot of wiggle room in that standard.

Mr. Wolsey added that he doesn't think there's any.

Mr. Allen stated that maybe you don't have a fire every ten years, but if you're the house that's burning and you can only get half a truck down there you may think differently.

Mr. Wolsey stated that there is a structural fire in the United States every 56 seconds.

Mr. Barnaba stated that it's a good thing we have smoke detectors in our houses...let the house burn, it may save fire fighter's lives. That's just my public policy. It's the same argument as sprinklers. We don't need sprinklers in houses.

Hugh Kimball questioned if the houses would be built at the setback line.

Mr. Barnaba stated that setbacks are a minimum. If I have to make room for turnarounds we'll need more room to set the houses. Depending on the cost of the road we have to install we may come back to this board and ask for more lots because we may want to subdivide one acre lots into ½ acre lots, 2 acre lots into ¾ acre lots, something of that nature.

Mr. Barnaba further stated that he came to this board with something that I thought quite precedent throughout the Radisson community. As noble as the law might be, it's somewhat disingenuous when you've got a bunch of other houses in the same neighborhood that live with the threat that the house is going to burn down because they can't get a fire truck to it and this one street above all will be protected.

Mr. Yager stated that that's a 2010 Code; obviously we haven't had any private roads developed in Radisson since then.

Mr. Barnaba stated that that is one of the things he'll research to see what extent this parcel might be grandfathered in as part of the bigger community or the vested rights I might have had when I bought the property; the regulations that may have been in place when I bought it, etc...

Mr. Allen stated that I'm just giving you some of the concerns that might I know exist on the board that you may want to consider for your next step.

There was additional conversation with regard to the road whether it has to be paved, gravel, etc. Mr. Barnaba stated that they will take a look at it.

There was also discussion with regard to the open space/green space with William Lester asking the developer to provide a letter from the RCA agreeing to accept same.

Mr. Barnaba concurred and thanked the board for their time.

V. OTHER BUSINESS

1. Extension—The Timbers, Major Subdivision, Section 1(B) and Section 3
The Timbers, River Road

Fred Allen, Chairman, stated that the board received an open extension request from Amy Franco, Clough Harbor, on behalf of The Timbers, LLC as they're revising their Land Use Plan, so it could be a while before that's completed. The board accepted the request with this item being tabled until such time that the developer asks to be back on the agenda.

2. McLane Northeast—Driveway location to be reviewed and approved by Gene Dinsmore, Highway Superintendent, for truck circulation.

Fred Allen, Chairman, stated that he received a letter from the Empire State Development Office (ESDC) in response to a request from McLane Northeast for a second driveway access off of McLane Drive. ESDC has approved the request and acknowledged approval for total lot coverage.

There is a letter on file prepared by Al Yager, Town Engineer, dated August 15, 2013, addressed to Gene Dinsmore, Highway Superintendent, in part, stating that it appears that the plan is in conformance with the requirements of the Town Code and all applicable engineering specifications. I would not be opposed to your office issuing a driveway permit for the project.

Mr. Yager stated in addition to the driveway there is a small guard shack there that they're using to check trucks in. Essentially they're doing it for truck circulation.

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

RESOLVED, that having reviewed the amended Site Plan as defined on a map dated January 2013, revised August 2, 2013, prepared by Plumley Engineering, associated with the application of Construction Management, on behalf of McLane Eastern, Inc., 2828 McLane Drive, Baldwinsville, New York and part of the Radisson PUD, for an expansion to their facility, the Site Plan is hereby approved.

6 Ayes -- 0 Noes

3. Transfer of Development Rights—Town of Lysander Comprehensive Plan

Fred Allen, Chairman, stated that because of the discussion that the Town Board has been having with regard to the Transfer of Development Rights, it was felt that the Comprehensive Plan should be updated. At their meeting of Monday, August 12, 2013, the Town Board announced a committee, chaired by William Lester, Planning Board, and populated with Hugh Kimball, Planning Board, Al Yager, Town Engineer, Andy Reeves, Town Board and myself to work on that update to the Comprehensive Plan.

VI. ADJOURN

RESOLUTION #12 -- Motion by Corey, Second by Daprano

RESOLVED, that the August 15, 2013 special Planning Board meeting adjourn at 8:00 p.m.

6 Ayes -- 0 Noes

Respectfully submitted,

Karen Rice, Clerk

