

TOWN OF LYSANDER
PLANNING BOARD MEETING
8220 LOOP ROAD
Thursday, October 13, 2016 @ 7:00 p.m.

The regular meeting of the Lysander Planning Board was held Thursday, October 13, 2016 at 7:00 p.m. at the Lysander Town Building, 8220 Loop Road, Baldwinsville, New York.

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

OTHERS PRESENT: Al Yager, Town Engineer; Steve Sehnert, Applied Earth Technologies; Frank Costanzo, ZBA; Linda Maloof; Richard Maloof; Dan Barnaba, Eldan Homes; Vincent Kearney, Belgium Cold Springs Fire Department; Frank O'Donnell, ZBA; Steven Cromie; Sharon Cromie; and Karen Rice, Clerk

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

John Corey, Chairman, made an announcement stating that for those that came for the Cabbage Patch/Whispering Oaks, Section 4 presentation, it has been tabled and will not be addressed tonight.

I. PUBLIC HEARING—7:00 p.m.

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| 1. Minor Subdivision | Mott, Patricia |
| Case No. 2016—009 | Cromie Property: 912, 924 & 936 Lamson |

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

Steven Cromie, 924 Lamson Road, stated that Patricia Cromie is his sister. Sharon Cromie, Steven's wife stated that she has power of attorney for Florence Cromie, Steven's wife, who owns 912 and 936 Lamson Road.

Stephen Sehnert, Licensed Land Surveyor, represented the applicant stating that Steven Cromie owns a portion of proposed Lot 2, 924 Lamson Road. 936 Lamson Road, 100' x 200' lot with a residence is not part of this application; it's on a separate deed altogether. Proposed Lot 1, 912 Lamson Road, 329.61 x 165, with 85,559 square feet also has a residence. A 604' reversed 'flagpole' will be added to it to meet the 80,000 square foot lot size requirement. Mrs. Cromie is desirous to take Steven Cromie's existing parcel, widen it out to the required 250', 200' for the Agricultural zone plus the 50' extra for the Highway Overlay on Lamson Road. There is a small wetland water wetland in the back that will not affect this subdivision in any way or shape. The remaining lands, Lot 3, with 21.99 acres is vacant. It's zoned Agricultural, it's no in an Ag District, there are no NYS Freshwater Wetlands, other than as noted, and there are no 100 year Flood Hazards. Lot 3 is not an approved building lot per the Onondaga County Health Department and nothing has been submitted in that respect. Further, since it is over five acres in size the Health Department will sign off on that lot.

Linda Maloof, 6998 Sheets Road, stated that she is interested in purchasing 912 Lamson Road and questioned the wells, which back up to Steven's property. If the lot line is moved the wells will no longer be part of 912 Lamson Road.

Mr. Cromie concurred with Sharon stating that they have agreed that an easement will be offered to the purchaser of 912 Lamson Road.

Mrs. Maloof stated that she will not accept that.

Mr. Cromie stated that the one well is a dug well approximately 12' deep. It goes dry a lot during the summertime. It was used, but will not support a family of four all that well. There is a drilled well about 25' away from that, closer to the home, but was not in use for a long time. It's not drinkable. It would only be used for laundry and showering only due to the taste and the debris that clogged up water filters. I don't know what's wrong with the well, nor do I know if another well will have to be drilled. We don't have a problem if the purchaser's want to dig it up and clean it out.

Mr. Corey questioned Mrs. Maloof's concern.

Mrs. Maloof stated that she's concerned that the well will not stay with the property; it will go with Steven's property because they're moving the lines.

Mrs. Cromie stated that they're moving the property line because of the existing pond...it receives all of our drainage. The drainage for 912 drains into the pond.

Mrs. Maloof questioned the drainage.

Mr. Cromie stated that it's a drain that runs into the pond.

Mrs. Cromie stated that they've dug around their home two separate times, put drainage in because the water was so bad in our basement that we needed to drain the basement. We dug down, put drainage in that runs all the way around the house that runs into the pond. If someone was to purchase that land, because the well and the pond are at the same level, it interferes with the end of the pond that drains out.

Mrs. Maloof reiterated that both wells will be taken off of the property being offered for sale.

Mrs. Cromie stated that that is why an easement will be provided.

Mrs. Maloof stated that she doesn't want to purchase it without a well, unless you want to dig me a well...

Mrs. Cromie: I'm not digging anybody a well.

Mr. Cromie stated that it has been that way for years and hasn't been a problem. I would not bequeath the property without having access to a well. I'm not that kind of person.

Mrs. Cromie stated that it will be put in writing with the lawyer.

Al Yager, Town Engineer, questioned the locations of the septic system with Mr. Cromie indicating same on the map.

Steve Darcangelo reiterated that we're creating a lot that has a structure on it but will not have a water source to it.

Mr. Sehnert stated that it will have a water source to it via an easement. Also, the septic system could be in the same situation, according to the Health Department.

Mr. Cromie stated that as far as he's concerned it's not drinkable water.

Mr. Darcangelo stated that he'd be cautious in saying that because if that's the case we have a house that should not be occupied.

The Cromie's stated that it's not occupied. It's currently vacant. It has two wells, it has two well pumps. It has two water sources coming into it from a dug well and a drilled well. They were using the dug well for their drinking water and the drilled well for their laundry and showering.

Mrs. Maloof stated that it's currently dry.

Mr. Cromie stated that there is about two foot of water. It will supply water but not to do showering and stuff like that.

The Public Hearing closed at 7:12 p.m.

II. APPROVAL OF MINUTES

Review and approval of the minutes of the September 8, 2016 regular Planning Board meeting.

Mr. Corey stated that the board is not going to act on the minutes of the September 8th Planning Board meeting this evening given the amount of discussion there was in the Public Hearing. It has been quite a challenge and my hat's off to Karen for recreating word for word everything that was said in that meeting. Board members were asked to review for our next meeting.

The minutes will be tabled until the next regularly scheduled Planning Board meeting.

III. OLD BUSINESS

1. Minor Subdivision Mott, Patricia
Case No. 2016—009 Cromie Property: 912, 924 & 936 Lamson

John Corey, Chairman, stated that this application was referred to the Onondaga County Planning Board for their review and recommendation, who have made the following determination, in part:

NOW THEREFORE BE IT FURTHER 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 in regards to the referral:

The applicant is advised to contact the U.S. Army Corps of Engineers and/or the NYS Department of Environmental Conservation to confirm the presence of Federal and/or State wetlands, respectively, and/or the 100-foot State wetland buffer on this site and obtain all necessary permits from any confirmed wetlands and buffers and show them on the plans for the site.

Mr. Corey stated that he believes those issues have all been addressed and since this is just lot line adjustments, it's not a relevant issue.

Steve Darcangelo questioned how difficult it would be to determine if the former lot lines shown on the plan behind Lot 1 are actually part of Lot 1. If the unclaimed property were part of this parcel I think a rectangular lot fronting on the street would have sufficient square footage to meet the requirement without the sliver going to the south of the property.

Steven Sehnert, Licensed Land Surveyor, stated that it is his understanding that it would take considerable research at the County Clerk's Office level; and that assumes that you can find heirs. The last recollection we have is somewhere in the mid to late 1800's. It would be 100 plus years of research; if we do find some names then we'd have to find those heirs to that estate that could be difficult. It may be possible but not practical.

Hugh Kimball stated that he's still concerned that we have a house without a well, at least one that functions..

Al Yager, Town Engineer, stated that at the very least the subdivision maps should reflect the access easement for the well so that they can operate and maintain it.

Mr. Darcangelo questioned if something more than an access easement is required...a mineral rights easement or a water rights easement?

Mr. Sehnert stated that all that is required is an access easement and the right to maintain it.

William Lester questioned if the pump is in the well.

Mr. Cromie stated that the pump is in the cellar.

Mr. Lester questioned if the well also serves the property that it's on.

Mr. Cromie stated that it does not. That house has its own source.

There was additional discussion between the applicant and the Town Engineer with regard to the well and septic locations of the property located at 924 Lamson Road with Mr. Yager asking that the map be modified to show the access easement and all well locations. Easement language should be submitted and filed as well.

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.

There is a letter on file from Al Yager, Town Engineer dated October 13, 2016 that will be made part of the public record.

This action has been referred to the Onondaga County Planning Board who have determined that the referral be acted upon by the referring board with the following modification:

The applicant is advised to contact the Army Corp of Engineers, and/or New York State Department of Environmental Conservation to confirm the presence of federal and/or state wetlands, respectively, and/or the 100-foot state wetland buffer on this site, and obtain all necessary permits for any confirmed wetlands and buffers and show them on the plans for the site.

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

The Final Subdivision Plan must show the access easement for the well, as well as all well locations.

Easement language for access to the well shall be submitted and filed.

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

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 three (3) lot subdivision application by Patricia Mott, on behalf of Florence & Steven Cromie, for property located at 912, 924 & 936 Lamson Road, Phoenix, New York, Part of Farm Lot No. 44 & 45 and Tax Map No.027-03-13.2 & 14, as shown on a map dated August 31, 2016 and revised September 7, 2016, prepared by Stephen Sehnert, Licensed Land Surveyor, hereby approved.

7 Ayes -- 0 Noes:

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

RESOLVED, that in granting a subdivision to Patricia Mott, on behalf of Florence & Steven Cromie, for property located at 912, 924 & 936 Lamson Road, Phoenix, 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.

7 Ayes -- 0 Noes

All fees associated with this application have been paid.

The Cromie's and Mr. Sehnert thanked the Board for their time.

2. Major Subdivision	Cabbage Patch
Case No. 2016—008	Whispering Oaks, Section 4
	8185 Emerick Road

This item will be tabled.

IV. NEW BUSINESS

1. Major Subdivision-Amd Eldan Homes
Crimson Ridge, Section 3B, Amendment #3
3158, 3162, 3166 & 3170 Samantha Drive

Dan Barnaba, Eldan Homes, stated that he is before the board this evening with a minor change to the Rear Yard Setbacks to property located at 3158, 3162, 3166 and 3177 Samantha Drive. During the course of several map amendments that went with this project some of the lots on the east side of the property became deeper. The original configuration had the rear yard setback was measured with respect to the road as opposed to with respect to the backyards. We are asking that the Rear Yard Setback be 15' from the backyard so that it's consistent with all of the other lots in the neighborhood. The map needs to be amended so that accessory structures in the rear yards would meet that setback. This came about when one of these residents was ready to have a pool installed and it did not meet the rear yard setback.

John Corey, Chairman, stated that there is a letter on file from the Radisson Community Association, dated September 29, 2016, that will be made part of the public record, in part:

Dan Barnaba, on behalf of Eldan Homes, has requested that we supply the Planning Board with a revised approval for the Major Subdivision, known as Crimson Ridge, Phase 3B, 3rd Amended Plan, for properties located at 3158, 3162, 3166 and 3170 Samantha Drive, Tax Parcels: 075.1-05-30.0; 075.1-05-31.0; 075.1-05-32.1; and 075.1-05-33.1. This approval is specific to the rear yard building setbacks for these properties, known as Lots 75, 76, 77 A and 78A. On behalf of the RCA Board of Directors, we approve of the rear yard building setbacks on Lots 75, 76, 77A and 78A being designated at 15 feet, but offer no other approval as to any other matters.

Hugh Kimball questioned the last sentence of that letter. It seems 'legalistic'. Are there other issues or is there something else that we should be looking at or hearing that we don't have in front of us or is it just lawyer talk.

Al Yager, Town Engineer, stated that he reviewed the map that is currently filed and the only change that I can see is the rear yard setback building envelope.

Karen Rice, Clerk, stated that anything they do on the property has to go back before the RCA for site plan approval so maybe that is what she was talking about as well. The pool has to be removed by them.

Mr. Yager concurred.

Mr. Barnaba concurred stating that they do have to go back for the approval of their pool.

Steve Darcangelo questioned why it was originally referenced off of the street line as opposed to the rear yard.

Mr. Yager stated that originally there was a strip of property that was going to be given to the RCA, it was landlocked and isolated. Quite frankly I don't think the RCA wanted it so lot lines were made all the way back to the edge of the parcel Eldan Homes owned but the building envelope line never changed.

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

RESOLVED, that the Planning Board authorizes the Chairperson to review the Final Plat for the (18) lot subdivision application of Eldan Homes for property located at Eldan Homes @ Radisson, Phase 3 (B) Amended (Crimson Ridge), Part of Farm Lot No. 82 and Part of Tax Map No. 075-03-24.1 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.

7 Ayes -- 0 Noes

Mr. Barnaba thanked the board for their time.

2. Major Subdivision Timber Banks
Waive Hearing/Sign Plat Lots 17 & 19 Long Shadow

James Trasher, Clough Harbor, represented the applicant, stating that they are seeking Final Subdivision approval for two lots, Lots 17 and 19, Long Shadow Drive. Everything is all in and these two lots have been sold.

Al Yager, Town Engineer, stated that what has been submitted matches the preliminary plat that was approved.

RESOLUTION #4 -- Motion by Corey, Second by Hickey

RESOLVED, that the Planning Board authorizes the Chairperson to review the Final Plat for the two (2) lot subdivision application of The Timbers LLC for property located Lots 17 & 19, Long Shadow Drive, Part of Tax Map Number 072.1-03-36.1 and finding that all modifications and conditions have been met; and that the Final Plat in 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.

7 Ayes -- 0 Noes

Mr. Trasher thanked the board for their time.

3. Major Subdivision Timber Banks
Waive Hearing/Sign Plat Lots 102, 105 & 106 Forest Ridge Lane

James Trasher, Clough Harbor, stated that it has been a record year for Mr. Pooler who has sold three additional lots since the last application was made. Karen agreed that this could be a late added agenda item so that we don't have to come back. The lots are 102, 105 and 106 Forest Ridge Lane. Again, everything is in and the lots are sold.

Al Yager, Town Engineer, stated that what has been submitted matches the preliminary plat that was approved.

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

RESOLVED, that the Planning Board authorizes the Chairperson to review the Final Plat for the three 32) lot subdivision application of The Timbers LLC for property located Lots 102, 105 & 106 Forest Ridge Lane, Part of Tax Map Number 072.1-03-36.1 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.

7 Ayes -- 0 Noes

Mr. Trasher thanked the board for their time.

4. Major Subdivision Talamore
Waive Hearing/Sign Plat Lots 6 & 7 Talamore Way

James Trasher, Clough Harbor, represented Bella Casa Builders, stated that Talamore, which is located off of Patchett Road has a number of lots that have already been filed. Lots 1 through 5 have been filed; Lots 9 through 12 have not. We are before the board this evening for Lots 6 and 7 which just sold, one with a model home and the other for the construction of a new home. We are seeking Final Plat Approval. All of the infrastructure and roads have been completed. This is just the filing of the two lots in anticipation of closing on the property.

Al Yager, Town Engineer, stated that what has been submitted matches the preliminary plat that was approved.

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

RESOLVED, that the Planning Board authorizes the Chairperson to review the Final Plat for the Talamore Subdivision, Section 3 application of Bella Casa by Alberici, for property located at Lots 6 & 7 Talamore Way, Baldwinsville, New York, Farm Lot No. 89 and Part of Tax Map No. 073.01.-07-02.4 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.

7 Ayes -- 0 Noes:

Mr. Trasher thanked the board for their time.

V. OTHER BUSINESS

John Corey, Chairman, stated that developer of Cabbage Patch/Whispering Oaks, Section 4 has asked the board to consider having a special meeting on the 27th of October. I know Karen can't make that.

Karen Rice, Clerk, concurred stating that I can be available Monday, October 24th.

Mr. Corey stated that he would like the whole board for that discussion, it's a rather important one. We'll also have to see about the Planning Board Attorney's availability.

Steve Darcangelo stated that he has a Village Board meeting the 27th and will look to see if he has a conflict with the 21st, but will email Karen once he knows his work schedule.

Mr. Corey and Mr. Kimball indicated that they think they can make either meeting, with Mr. Lester, Ms. Daprano and Mr. Hickey stated that either night is open for them.

Mr. Corey stated that if we're to meet the 27th of October vs the 10th of November we're only talking two weeks between meetings. I'm not quite sure whether that two weeks is critical enough to call a special meeting.

Mr. Hickey asked if the developer bears the additional cost for the board to meet.

Karen stated that they do not but I believe we're budgeted for two meetings per month.

Mr. Corey stated that he will contact Tim tomorrow to see about his availability. If he is not available we will just go to our regularly scheduled meeting on the 10th of November.

VI. ADJOURN

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

RESOLVED, that the October 13, 2016 special Lysander Planning Board meeting adjourn at 7:48 p.m.

7 Ayes -- 0 Noes

Respectfully submitted,

Karen Rice, Clerk