

PLANNING BOARD MEETING  
Thursday, November 20, 2014 @ 7:00 p.m.  
8220 Loop Road  
Baldwinsville, NY 13027

The special Planning Board of the Lysander Planning Board was held Thursday, November 20, 2014 at 7:00 p.m. at the Lysander Town Building, 8220 Loop Road, Baldwinsville, New York.

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

OTHERS PRESENT: Al Yager, Town Engineer; Joseph Nadzan; Frank  
Costanzo, Zoning Board of Appeals; Joe Ehle; Vincent Kearney; Karen Rice, Clerk

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

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

- |                      |              |
|----------------------|--------------|
| 1. Minor Subdivision | Ehle, Joseph |
| Case No. 2014—016    | Doyle Road   |

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

Joseph Ehle, Doyle Road, stated that he owns approximately 85 acres at the dead-end of Doyle Road and would like to cut three acres with 169.57' of road frontage out to allow the construction of a single family home.

The Public Hearing closed at 7:01 p.m.

II. APPROVAL OF MINUTES

Review and approval of the minutes of the October 20, 2014 regular Planning Board meeting.

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

RESOLVED, that the minutes of the October 20, 2014 regular Planning Board meeting be approved as submitted.

6 Ayes -- 1 Abstain (Lester—who was not given enough time to review)

III. OLD BUSINESS

- |                      |              |
|----------------------|--------------|
| 1. Minor Subdivision | Ehle, Joseph |
| Case No. 2014—016    | Doyle Road   |

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

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

The Onondaga County Health Department must formally accept or approve, respectively, any existing or proposed septic system to service proposed Lot No. 3 prior to Department endorsement of this subdivision plan.

There is a letter on file dated November 20, 2014, prepared by Al Yager, Town Engineer, that will be made part of the public record, in part:

Proposed Lot 3 meets the 4:1 ratio recommendation in subdivision regulations Chapter 117, Article VI, Section 117-14, Paragraph B(4), however the remnant piece does not meet this requirement. I would have no objections to the Planning Board approving this minor subdivision at this time provided you are comfortable with the remnant Lot 2B not meeting the previously mentioned 4:1 recommendation.

Mr. Yager added that the northern border of the property is all State and Federal wetlands and could never be developed anyway. I believe the 4:1 ratio only applies to developable lands.

Hugh Kimball stated that logically it makes sense, however the Code does not allow us to do that. The ZBA certainly could do it and I would recommend that they would do so.

Karen Rice, Clerk, stated that the Planning Board has the authority to vary from the subdivision regulations if there is a hardship and you have to describe the hardship.

(Article X, Variances, Section 117-3: Where the Planning Board finds that extraordinary hardships may be a result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variation will not have the effect of nullifying the intent and purpose of the Official Map and the Zoning Ordinance or these regulations.)

Mr. Yager stated that he would say that the hardship is that the remnant piece is undevelopable anyway.

Mr. Allen concurred stating that in the past we have required applicants to meet the 4:1 which has left remnant pieces that were odd shaped...we had one on Rabbit Lane. That really needs to be changed to be a guideline rather than a hard and fast requirement.

Mr. Kimball stated that the board has to be careful that we don't get to a point where we're exercising discretion because then you end up with setting precedence.

#### 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 is not consistent with the Subdivision Regulations, more particularly meeting the four to one ratio as outlined in Article X, Variances, Section 117-3: Where the Planning Board finds that extraordinary hardships may be a result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variation will not have the effect of nullifying the intent and purpose of the Official Map and the Zoning Ordinance or these regulations.) It was determined that in this particular situation, the northern border of the property is all State and Federal wetlands and could never be developed. The board believes the 4:1 ratio only applies to developable lands

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 Onondaga County Health Department must formally accept or approve, respectively, any existing or proposed septic system to service proposed Lot No. 3 prior to Department endorsement of this subdivision plan..

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

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

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

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 Joseph Ehle for property located at Doyle Road, Baldwinsville, New York, Part of Farm Lot No. 95 and Tax Map No.071.01.-01-04.1, as shown on a map dated August 25, 2014, prepared by Ianuzi & Romans Land Surveying, is hereby approved.

7 Ayes -- 0 Noes

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

RESOLVED, that in granting a subdivision to Joseph Ehle for property located at Doyle 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.

7 Ayes -- 0 Noes

Mr. Ehle thanked the board for their time.

IV. NEW BUSINESS

1. Minor Subdivision  
Case No. 2013--015

Coniber, John  
Cross Lake Road

No representation. This item will be tabled.

2. Major Subdivision

Eldan Homes  
Crimson Ridge, Section 3B  
Waive Public Hearing/Authorize Chairman

Al Yager, Town Engineer, stated that other than a couple of minor lot line adjustments, the plan submitted this evening is similar to the preliminary plat that was approved in 2011. The securities are posted. The Town has accepted dedication of the roads and utilities. There are no outstanding issues.

Hugh Kimball questioned the land identified to be conveyed to the Radisson Community Association.

Mr. Yager stated that that will happen.

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

RESOLVED, that the Planning Board authorizes the Chairperson to review the Final Plat, for Crimson Ridge, Section 3B for the nineteen (19 lot subdivision application of Eldan Homes, for property located at Samantha Drive/Deep Glade, Baldwinsville, New York, Farm Lot No. 82 and Part of Tax Map No. 075.01.-01-04 and finding that all modifications and conditions have been met; the Board authorizes the Chairperson to waive the Final Plat public hearing and sign the Final Plat.

7 Ayes -- 0 Noes

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

RESOLVED, that a Public hearing having been waived 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, the Final Approval for The Eldan Homes Crimson Ridge Section 3B, Samantha Drive/Deep Glade, Baldwinsville, New York and Tax Map No 075.01.-01-04, as shown on a map dated October 17, 2014, prepared by Stephen Sehnert, Licensed Land Surveyor, is hereby approved, , with the following conditions:

1. (Engineer's Comments)

7 Ayes -- 0 Noes

V. OTHER BUSINESS

1. Recommendation to Town Board: Amendment to Zoning Law  
Temporary Moratorium: AR-40 Districts

William Lester, Chairman to the Comprehensive Land Use Planning Committee, stated that the Comprehensive Land Use Plan is in the final stages of update right now and it will be delivered to the Town Board on or before December 1<sup>st</sup>. The Town Board needs to do a number of things, review the document, schedule a Public Hearing, contact neighboring Towns and forward it to the Onondaga County Planning Board for their review. There will be time constraints necessary to do all of those things. One other thing that will have to happen is the Zoning Code and Subdivision Regulations will have to be updated to agree with the plan's requirements. Not the least of which is the replacement of the TDR (Transfer of Development

Rights) with an Incentive Zoning Provision. Fortunately, I don't think that will take an awful lot of time because the Committee's attorney has already drafted the Article for the Zoning Code to incorporate the Incentive Zoning. The major thing that remains to be done is to finalize the Incentive Zoning Overlay Map, which will overlay the current zoning map. Other than that overlay there has been no change to any of the zoning districts anywhere in the Town. It's just going to take time. Essentially all this is doing is extending the moratorium so the plan can be finally adopted.

Fred Allen questioned when they think that would take place with Mr. Lester stating two to three months. It depends on how fast the Town Board can move. By December 1<sup>st</sup> the Committee will have done their job.

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

RESOLVED, that at the request of the Town of Lysander Town Board, the Town Board adopt a Local Law amending the Zoning Law of the Town of Lysander, New York, to impose a Temporary Moratorium on Zone Changes within the AR-40 Zoning District, the Planning Board recommends to the Town Board that the recommendation be approved.

7 Ayes -- 0 Noes

VI. ADJOURN

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

RESOLVED, that the November 20, 2014 regular Planning Board meeting adjourn at 7:34 p.m.

7 Ayes -- 0 Noes

Respectfully submitted,

Karen Rice, Clerk