

PLANNING BOARD MEETING
Thursday, December 18, 2014 @ 7:00 p.m.
8220 Loop Road
Baldwinsville, NY 13027

The special meeting of the Lysander Planning Board was held Thursday, December 18, 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; William Lester; John Corey

MEMBERS ABSENT: James Hickey

OTHERS PRESENT: Al Yager, Town Engineer; Hal Romans, Ianuzi-Romans;
Frank Costanzo, Zoning Board of Appeals; Dean Cummins, Steve Sehnert, Licensed
Land Surveyor; Karen Rice, Clerk

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

I. PUBLIC HEARING -- None Scheduled

II. APPROVAL OF MINUTES

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

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

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

6 Ayes -- 0 Noes

III. OLD BUSINESS

1. Minor Subdivision	Coniber, John
Case No. 2013--015	Cross Lake Road

Hal Romans, Ianuzi-Romans Land Surveying, represented the applicant. The property is on the west side of Cross Lake Road and consists of approximately 56 ½ acres. It's a two lot simple subdivision for Estate purposes. We are creating two lots, Lot 1 with 34.1 acres and Lot 2 with 32.39 acres. There is an out parcel shown not part of the subdivision. Lot 1 has an existing wood framed house, septic system and some outbuildings. Lot 2 is vacant. The wetlands have been mapped and are shown down in the area of Cross Lake.

The proposed lots more than meet the current zoning regulations. There was some discussion with regard to the acreage; Mr. Romans stated that it's a total of 66.49 acres to the road boundary and 68 acres to the road centerline.

Hugh Kimball questioned the lot configuration; Mr. Romans stated that the lot configuration was dictated by achieving the appropriate offsets from the existing residence. When the proposed acreage is added to the outparcel it comes up to the half of the property.

Fred Allen reiterated that the owner of the house/outparcel will be the recipient of one of the parcels.

Mr. Romans concurred.

Mr. Allen questioned if they would combine those parcels.

Mr. Roman stated that they may, however it functions as a stand-alone lot.

James Aust questioned the land use.

Mr. Romans stated it's vacant land, there are no plans to do anything with it. There is a boat launch at Cross Lake and he believes they use that land for picnicking and recreation.

William Lester questioned the notation on Lot No. 2 that says this lot is not a residential building lot.

Mr. Romans stated that that notation is the standard notation that the Onondaga County Health Department wants on the maps. Any lot that is over five acres you don't have to design a septic system at that point in time. When and if a building permit is applied for they then have to get a septic system designed. There are no plans for any building that I'm aware of.

Mr. Allen stated that the property is within an Agricultural Taxing District, and questioned if it's farmed.

Mr. Romans stated that it is not, it is all overgrown.

Al Yager, Town Engineer, stated that he looked at it on Google Earth and it appears to be a wood lot approximately 250' back from the road all the way to the lake.

RESOLUTION #2 -- 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 John Coniber, Cross Lake Road, Baldwinsville, New York Minor Subdivision application. Conditioned upon filing a complete application and paying to the Town Clerk the appropriate fees.

6 Ayes -- 0 Noes

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

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? No
2. Will the proposed action result in a change in the use or intensity of use of land? No

3. Will the proposed action impair the character or quality of the existing community? No
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? No
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? No
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? No
7. Will the proposed action impact existing:
 - a. public / private water supplies? No
 - b. public / private wastewater treatment utilities? No
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? No
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? No
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? No
11. Will the proposed action create a hazard to environmental resources or human health? No

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

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 Coniber, Cross Lake Road, Baldwinsville, New York Minor Subdivision application, the Planning Board issues a NEGATIVE DECLARATION.

6 Ayes -- 0 Noes

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

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 Coniber, for a subdivision of property located at Cross Lake Road, Baldwinsville, New York, Farm Lot No. 91 and Tax Map No. 036.-01-05, for a development of two (2) lots from a parcel of approximately Sixty-three (63) acres. Conditioned upon filing a complete application and paying to the Town Clerk the appropriate fees.

6 Ayes -- 0 Noes

Mr. Romans thanked the board for their time.

IV. NEW BUSINESS

1. Minor Subdivision
Case No. 2014—017

Cummins, Dean
Plainville Road

Stephen Sehnert, Licensed Land Surveyor, represented the applicant, Dean Cummins, who is available for specific questions if need be.

Mr. Sehnert stated that the property in question is a portion of the former Plainville Turkey Farm, with the offices, museum and processing plant that has closed down. It is approximately 38 acres in size. Mr. Cummins would like to separate what is labeled Lot 1 with Office Building/Museum and Gravel Parking Lot, just less than six acres in size from the rest of what used to be the active part of the processing plant. There is a potential buyer that would like to convert this into a residential use. Also, part of that subdivision would include conveying a portion of land to Joseph & Brittney Case to add to their residence/property. This parcel has its own water supply, its own sewage disposal system, so that is not an issue. There are no changes proposed to change any of the topography of the site.

Al Yager, Town Engineer, stated that there is only one curb cut to Plainville Road and asked if an access easement for this parcel would be proposed.

Mr. Cummins stated that he would give the potential buyer a right-of-way.

Mr. Yager stated that that would have to be shown on the map before it's filed.

Mr. Sehnert concurred.

Fred Allen questioned the strip of land going to Case and questioned if it was another subdivision.

It was determined that that can be treated as a "movement of a lot line".

Mr. Sehnert concurred, stating that it will be done in one transaction to enhance their parcel. A metes and bound description will be provided.

Mr. Allen questioned whether or not the Case's would have to make a separate application before bringing it before the board.

Karen Rice, Clerk, stated that Dean would have to make application since he owns it.

Mr. Sehnert concurred stating that Dean has total control.

Mr. Allen stated that the 'movement of a lot line' isn't in this application.

Karen stated that the Public Hearing will be for the subdivision of land and the movement of a lot line can be done by resolution only at the time of the hearing.

Hugh Kimball stated that you can't give something to somebody if he doesn't want it.

Mr. Cummins stated that he wants more but I don't want to give it to him anymore.

Mr. Allen stated that the confusion is that it's almost like a secondary transaction.

Mr. Sehnert stated that to him it's a simple transfer of the 0.31 acre of land with the appropriate deed.

Mr. Kimball reiterated that the other party should be involved; you can't just give something to somebody unless they want it. How do we know he wants it.

Karen stated that he wants it, he has called several times. He called to see what had to be done when he purchased the house. I explained to him that it could be treated as a "movement of a lot line".

Mr. Kimball stated that he would like something from him that says that.

Karen stated that if it's the board's pleasure we can ask that a separate application be filled out and we can act on both at the same time. The board can act on the "movement of a line" first because the board's not going to approve a subdivision that leaves a strip along two sides of a parcel.

Mr. Allen stated that that would take care of fixing the boundary around the house.

Mr. Yager stated that that would require Steve preparing an additional map.

Karen concurred, stating that he would have to show Case in its entirety.

Mr. Yager stated that the question would be, could we do this without an additional map, as long as Steve provides the metes and bounds for the deed which would reference back to this map?

There was continued discussions among the board with Mr. Yager stating that perhaps a notation could be put on the map referencing the lot line adjustment as well.

William Lester added that the metes and bounds for it could also be shown.

Mr. Allen stated than other than the document on the deed being filed with the County, it seems to me that there ought to be a drawing of the lot too, right Karen?

Karen concurred, stating that I thought there would have to be a new survey for Case showing the new boundary.

Mr. Sehnert stated that it doesn't have to necessarily be done that way, all you have to do is reference the strip in the deed and it's a done deal.

Karen continued stating...then they file the deed and tax mapping changes the boundary?

Mr. Sehnert concurred.

Mr. Allen questioned the board if they were comfortable doing it this way.

Mr. Kimball stated that he still thinks the applicant needs something from Case. My adjacent neighbor can't walk in here and say, I want to move my lot line giving Hugh Kimball an extra 30' and I don't even know about it.

Mr. Sehnert stated that this is done all the time with a boundary line agreement.

Mr. Kimball stated that we don't have that; with Mr. Sehnert stating that they will provide a letter.

Karen stated that Dean has to make application since he owns the property and you can get a letter from case for a Lot Line Adjustment and I will open a new file.

Mr. Yager continued stating that it will all be shown on one map with the new deed referencing back to this map.

Mr. Allen concurred stating that the next time we see this map it will show the access easement as well, questioning if that was going to be a problem.

Mr. Cummins stated that at some point in time the potential purchaser may want to move the driveway to the north end of the property line, but not at this time.

There was some discussion with regard to the septic system/leech field and how close it is to the proposed boundary line.

Mr. Sehnert stated that the regulations state that it has to be 10' off of the property line and as far as what the records show it is.

It was determined that the Onondaga County Health Department may have more accurate records.

Mr. Kimball questioned plans for the other two buildings, the barn and silo.

Mr. Cummins stated that there are two different people that are interested in it; it looks like one will use the barn as a garage/shop, another couple has horses...it's still up for sale.

RESOLUTION #5 -- 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 Dean Cummins, Plainville Road, Plainville, New York Minor Subdivision application.

6 Ayes -- 0 Noes

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

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? No
2. Will the proposed action result in a change in the use or intensity of use of land? No
3. Will the proposed action impair the character or quality of the existing community? No
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? No

5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? No
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? No
7. Will the proposed action impact existing:
 - c. public / private water supplies? No
 - d. public / private wastewater treatment utilities? No
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? No
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? No
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? No
11. Will the proposed action create a hazard to environmental resources or human health? No

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

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 Dean Cummins, Plainville Road, Plainville, New York Minor Subdivision application, the Planning Board issues a NEGATIVE DECLARATION.

6 Ayes -- 0 Noes

RESOLUTION #7 -- 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 Dean Cummins, for a subdivision of property located at Plainville Road, Plainville, New York, Farm Lot No. 84 and Tax Map No. 044.-01-14.3, for a development of two (2) lots from a parcel of approximately thirty-eight (38) acres. Conditioned upon filing a complete application and paying to the Town Clerk the appropriate fees.

6 Ayes -- 0 Noes

Mr. Lester questioned the zoning of the property, stating that the use was commercial before, right.

Mr. Allen stated that it's zoned Agricultural. Even though it had a large processing plant/factory, because more than 50% of what was being processed was grown there it fell under the Agricultural designation.

Mr. Sehnert and Mr. Cummins thanked the board for their time.

2. Major Subdivision

Bella Casa by Alberici
Talamore Subdivision/Patchett Road

Hal Romans, Ianuzi-Romans, represented the applicant, stating that this is for the Final Plan of Section 1 of the Tallamore Subdivision on Patchett Road. The Preliminary Plan was approved for 13 lots, we are seeking Final Plat Approval for five lots and a portion of the road infrastructure. The Final Plan matches the Preliminary Plan; there were no changes other than minor design changes in the installation of the utilities. The roadway is in and Bella Casa is beginning to build homes. We will be back before the board for other sections.

Fred Allen questioned how many phases, with Mr. Romans stating that he believes two phases depending on how fast the lots sell.

Mr. Allen stated that the adjacent property owner has indicated they had a lot of water problems. The last I heard from that homeowner they were told to take their water into the sewer system that's in this development.

Al Yager, Town Engineer, stated that they were provided a sewer lateral stub.

Mr. Romans stated that there's a drainage easement that runs along that east property line, as well as the south property line. There is actually a storm sewer in there. They probably have the ability to tie in.

Mr. Yager stated that the Contract Drawings actually show a stub coming out of the middle catch basin. It's there but we don't know if they have tied in.

Mr. Allen stated that they inquired about putting the drainage facility in for them in. At that point they were looking to go across the cul de sac area.

Mr. Romans stated that the drainage easement will be dedicated to the Town. There is a stub there.

Mr. Allen stated that he hasn't heard whether or not the problem has rectified itself or not.

Mr. Yager stated that the way they redirected the drainage in the back should have cured a lot of their problems. The Districts have not been formed for this yet; they are working on their map, plan and report to submit to the Town Board so that we can set a Public Hearing for that district formation. If that property owner is interested in being included in the drainage and/or sanitary district they should talk to Stacey Alberici, Developer, now rather than have to do a district extension after the fact. They are anticipating coming before the Town Board in January.

Mr. Allen stated that he will pass that information on.

Mr. Kimball questioned if the Town Engineer has had an opportunity to review the plans.

Mr. Yager stated that there was an issue with the widening of the utility easement for National Grid, but that has been satisfied.

Mr. Allen questioned if the escrow has been established.

Karen Rice, Clerk, concurred stating that David Rahrle, Comptroller, verified that today.

RESOLUTION #8 -- Motion by Allen, Second by Lester

RESOLVED, that the Planning Board authorizes the Chairperson to review the Final Plat for Talamore, Section No. 1, for five of the thirteen residential building lots, on application of Bella Casa by Alberici, for property located at Patchett Road, 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; the Board authorizes the Chairperson to waive the Final Plat public hearing and sign the Final Plat.

6 Ayes -- 0 Noes

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

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 Bella Casa by Alberici Talamore, Section 1, Patchett Road, Baldwinsville, New York and Tax Map No 073.01.-07-02.4, as shown on a map dated November 30, 2006 and revised November 11, 2014, prepared by Ianuzi & Romans, Land Surveying, with the following conditions:

1. Review and approval by Al Yager, Town Engineer.

6 Ayes -- 0 Noes

Mr. Romans thanked the board for their time.

V. OTHER BUSINESS

1. Review and approval of the 2015 Planning Board Meeting Schedule.

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

RESOLVED, that the 2015 Planning Board Meeting scheduled be approved as submitted.

6 Ayes -- 0 Noes

2. Appoint Legal & Engineering for the 2015 Calendar Year.

This item will be tabled until the organizational meeting on Thursday, January 22, 2015, however just for an FYI, both the Chairman and Secretary have talked with Zach Benjamin, Esq., to continue to serve the Planning Board and he has indicated that he would like to.

Mr. Allen continued stating that he assumes Al Yager is interested in continuing as well.

Mr. Yager stated that he enjoys working with the board.

Mr. Allen opened the floor to any other suggestions. There being none the Board will continue this conversation at the January meeting.

3. Status: Review of Zoning Ordinance and Subdivision Regulations as part of the adoption of the Comprehensive Land Use Plan.

William Lester, Chairman, Lysander Comprehensive Land Use Planning Committee, stated that all of the Planning Board and Zoning Board of Appeals members have received a package of materials containing proposed changes to the Zoning Ordinance and Subdivision Regulations. provided by Karen.

Proposed changes were made by Tim Frateschi, former Planning Board Attorney, at the direction of Fred Rood, former Chairman to the Planning Board, with input from Owen Densk, former Code Enforcement Officer and Karen Rice, Clerk to both boards.

Mr. Lester questioned if we were able to get our hands on the electronic version.

Karen stated that Tony Rivizzigno, Town Attorney, indicated that he knows Tim, knows how to get in touch with him and would do so. I have not heard anything back from him.

Mr. Lester stated that six or seven months ago Fred Allen suggested we take a look at those proposed changes. It was determined at that time to wait until the Comprehensive Plan Update Committee make their changes and revisit it at that time. The time has come. We've asked the Planning Committee's attorney to take a look at these two documents, in light of his knowledge of what the updated Comprehensive Land Use Plan now calls for. For example, there is no longer a TDR (Transfer of Development Right), based on the Draft Comprehensive Land Use Plan. It has been replaced with an Incentive Zoning Provision for which a draft Article to replace the TDR Article is included in the Comprehensive Land Plan, Appendix A. All the members of the board now have a copy of that Comprehensive Land Use Plan electronically. You will find that appendix on that cd. I think we need to, as a board, take a look at these documents in light of what that plan says with the knowledge that Committee's attorney is doing the same thing. The most complicated part of the new Comprehensive Land Use Plan is the Incentive Zoning. The rest of it is common sense. Incentive Zoning is designed to facilitate the retention of open land, retention of farmland and the installation of sewers in areas that are woefully inadequate for septic systems. The incentive for a developer to increase density in the AR-40 District would be exchanged for his agreement to put in sewers and to save open land or farmland. That's a snapshot of what the Comprehensive Plan now talks about. The Planning Board will take a more active role in reviewing all of those kinds of things, but the Planning Board doesn't make the final decision to the amenities and what gets exchanged, that's a Town Board decision. The Planning Board makes recommendations to the Town Board.

Example: Most of the Cold Springs Peninsula where development will occur is downhill from the Baldwinsville Seneca Knolls Wastewater Treatment Plant. The first thing that would have to happen is a pumping station would have to be built on the south-end of the peninsula in order to allow development, for example, in the Melvin Farm area to proceed. We are looking to have that amenity be one of the first things that would be put into place so that future development. There are 425 lots proposed in this area at an increased density of 12.5 (12,500 square foot lots). To exchange from a density of 40,000 square foot lots to 12,500 square foot lots, which would involve the installation of the necessary sewage facilities; we would recommend to the Town Board that such a proposal be approved.

The developer puts together a plan that includes the cost of those facilities for the Town Engineer to review to determine if the costs are reasonable and adequate. Also, there's probably be some negotiation that has to happen because the developer and the Town are

going to have to come to some kind of agreement in terms of who is going to pay for how much and what.

Mr. Allen added that the incentive really is that he can sell more lots to make up for the cost of providing a pump station.

Mr. Lester concurred.

Mr. Yager added that there are capacity issues that would have to be discussed with the developer. The Town has to give the developer a targeted capacity. We'd have to look at the Cold Springs Peninsula in its entirety to see how many units we anticipate could be built and make sure that that pump station is adequately designed and sized. If it doesn't initially have the capacity for all the homes, it can be expanded on through larger, additional pumps to have the required capacity. That's the just of it from a sewer standpoint. In addition, we want to preserve agricultural land and open space with a 1000 foot agricultural buffer along 370. We encourage Cluster Development. One of the things I think is worthwhile looking at is potentially reducing lot widths overall going forward. Do we really need to have a 100 foot lot width in an R-12.5? Could that be reduced to 70? Do we really need to have a 100 foot lot width in an R-20? Could that be reduced to 80? We have shown in many areas throughout the Town where that can be done, Radisson and Timber Banks. From an infrastructure standpoint the Town has to own and maintain narrower lots work. Literally people don't necessarily use the side yards of their homes. They are more buffer space. Narrower, deeper lots would be beneficial to homeowners. Ninety percent of the time the people who spend time at home are in their backyards.

Other setbacks were discussed with Mr. Lester stating that those are the kinds of negotiations that we expect will have to happen in order to not only encourage development, but encourage development in a sustainable way. Sustainable by sustaining the Seneca River because of the failing septic systems that exist on Hayes Road now. At some point in time we're liable to see a Consent Order from the State that says we have to do something about that. This plan I hope helps us get to a point where we can do something and still have development occur in the areas where we want it to occur.

Mr. Allen suggested that each board member identify issues that we want looked at and make the necessary recommendation to the either Zach or the Land Use Planning Committee Attorney.

Mr. Yager stated that Ted Spencer, CLUP Attorney, was going to send his proposal to John (Salisbury, Supervisor) and I believe he was going to include a fee for a full re-write of anything we want in the Zoning & Subdivision Regulations. All we have to do is give him a list of items that we want changed and we can have them incorporate those and give them to us for review. We can approve them and send them on to the Town Board for acceptance.

OTHER ITEMS TO BE ADDRESSED:

- Four to one ratio: As a guideline, at the Planning Board's discretion.
- Flag-lots: Allow AR-40 lots to be built on property that doesn't have enough road frontage on private roads, built to Town specifications
- Language in the Riverfront Overlay: clarify same
- Lengths of cul de sacs: Should we make them longer than 500'.

- Any division of land should be considered a subdivision, including lands being used for agricultural purposes
- Movement of a Lot Line: Being the exception of the above bullet
- Off street parking: Provision stating that it doesn't have to be paved, but have an area identified as "Banked" parking
- Parking regulations in general, archaic
- Parking Space Definition, 9 ½' x 10' is not necessary
- Supplemental Regulations, some of the uses listed again are archaic
- Sunset on any and all approvals
- Lot lines at right angles: Guideline or had and fast rule
- Town Road Widths: 60' necessary
- Language for Cellular Communication Towers

Those are the types of issues that this board and the Zoning Board of Appeals should be looking at.

Mr. Yager added that the board may want to also look at things that should be taken out of the Code completely, for example Section 117.25 of the Subdivision Regulations, Plantings.

VI. ADJOURN

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

RESOLVED, that the Town of Lysander December 18, 2014 special Planning Board meeting adjourn at 8:40 p.m.

6 Aye -- 0 Noes

Respectfully submitted,

Karen Rice, Clerk.