

TOWN OF LYSANDER  
PLANNING BOARD MEETING  
8220 LOOP ROAD  
Thursday, August 10, 2017 @ 7:00 p.m.

The regular meeting of the Town of Lysander Planning Board was held Thursday, August 10, 2017 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; Steve Darcangelo; Jerry Hole and Keith Ewald

OTHERS PRESENT: Al Yager, Town Engineer; Tim Frateschi, Esq.; Bernie Flaherty; Tiffany Flaherty; Tim Wilson; Peter Moore, Town Board; Joe Saraceni, Town Supervisor; Frank Costanzo, ZBA; Matt Speech, Belgium Cold Springs Fire Department; Brian Bouchard, Clough Harbor; Frank Anastas; Carol Levy; Frank O'Donnell, ZBA; Jim Stirushnik; and 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 July 13, 2017 regular Planning Board meeting.

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

RESOLVED, that the minutes of the July 13, 2017 regular Planning Board meeting be approved as submitted.

6 Ayes -- 1 Abstain (Darcangelo, as he was not in attendance)

II. OLD BUSINESS

1. Major Subdivision  
Case No. 2017—008

Bella Casa Builders  
Collington Pointe East  
Patchett Road

Brian Bouchard, Clough Harbour Associates, represented the applicant and recapped briefly, as of the last meeting there was still an outstanding comment from the County's review with respect to NYS DOT's request for some additional traffic information specific to extending our limits of our scope for the traffic study down to the intersection of Collington Pointe Way/NYS Route 370. At the last meeting we had that report complete but we hadn't received any feedback back from the DOT yet. Since the last meeting we did sit down with the DOT and distributed the additional information through their various departments and collected the comments. They basically submitted an email, that I believe the Town has a copy of, that says they are in agreement with the report and there is no major mitigation that's required. The level of service at this intersection doesn't change; however their one recommendation, and this will probably be something the board will want to entertain as a condition when you do take action,

would be to replace the existing signs that are out there, enhance the signs, which are old and deteriorated so they're really not as visible as the newer reflective signs are and having reflective posts added to them just as an update and refresher to that existing intersection at Collington Pointe and 370. We've brought closure to that comment. We've also gone through the very detailed review that the Town Engineer has done with respect to the subdivision map, which is the application before you to take action on, but hand in hand goes with what would be our next step in this process; which is the full construction documents. Obviously AI has looked at the full construction documents because they very much do relate to the geometry of the roads, easements and other things that are necessary to be on the plan for you to approve them. We've been through the majority of those comments and we did have a chance to update and submit that yesterday to AI. He has looked at it and I believe we've hit almost all of the bullet points for that...but as with the memo he has submitted to you, we talked earlier today about some very minor changes that do still need to be made to that plan with respect to a couple particular lots. The radius of Road A has changed and what that did was widen the radius and made Lots 38 & 37 smaller; but I think what we want to do is take a step back and take a look at those lots and see if there is a way to make a buildable area on those lots so that they can offer themselves to a manageable footprint. We have also talked about the storm pipes that will be installed along this property line (indicating on plan) to convey the drainage that comes under Patchett Road through the adjacent property. We are conveying that drainage through a series of pipes and because of the elevation of the pipes, they are elevated with respect to the backyards of those lots and there's a little bit of work that I think we can do to improve that condition so that those lots don't suffer from being too small in terms of the buildable area that's on those lots. I believe we've made it most of the way there, but I think based on my conversation with AI earlier today that I'll take those comments back to the developer and see if there are some minor tweaks that we can make to the map and try and reissue it back to you in short order as it shouldn't take very long and asked that the Board consider a special meeting.

John Corey, Chairman, thanked Mr. Bouchard for the update, stating that he appreciates the comments about the enhanced signage as that was one thing we were going to look for.

Mr. Bouchard concurred stating that they've also analyzed the sight distances that are out there per one of AI's review comments. We did go out and measured the sight distances from the proposed intersections and the sight distances are more than what the 'Green Book AASHTO Standards' requires and also significantly more than what the Town Code requires for that intersection. There's visibility both ways even with some small knolls that are out there. There are no impacts from the sight distances as well.

Bill Lester questioned if that was true of both intersections.

Mr. Bouchard concurred stating that there is obviously some clearing that needs to be done to bring that intersection in, so it's hard to sit very far off the shoulder and still get the heights that you would need so generally from as far back into the shoulders we could manage to do our calculations, those distances are appropriate. It'll just be maybe a matter of the clearing of some bushes and things as we do develop that intersection for them.

There is a letter on file from AI Yager, Town Engineer, dated August 10, 2017, that will be made part of the public record, in part: The developer's engineer submitted a revised SWPPP and set of plans for the Collington Pointe East application to my office at 4:00 p.m. on Wednesday, August 9, 2017. Overall the plans have addressed a significant portion of the comments included in my plan review letter for the project dated July 17, 2017. There are a few

outstanding issues related to lot dimensions and drainage on Lots 5 through 11, 37 & 38 that will likely result in changes to the proposed preliminary plat prepared by Ianuzi and Romans Land Surveyors, P.C. with a revision date of August 8, 2017. I would recommend that the Planning Board postpone taking action on Collington Pointe East application until the developer's engineer has addressed the outstanding issues outlined above.

Mr. Corey questioned where we stand with regard to the requirement on the pond.

Mr. Yager stated that we've talked it over with them; at this point in time they have not changed the grading around that. It is something we really need to dive into a little deeper. They're working on it and it's just a matter of finalizing the grading for that area.

Mr. Lester...the safety issue?

Mr. Yager concurred stating that they will be reducing the slopes and creating an aquatic bench.

Tim Frateschi, Esq., questioned if this was part of the SWPPP.

Mr. Yager stated that it is not. This is an existing farm pond that the Town is taking possession of. We just want to see 1) slopes that we can maintain so we can mow around it, and 2) an aquatic bench so that if a kid runs into it they don't go into 6' of water, they go into a few inches of water.

Mr. Bouchard stated that those details will be made part of the grading plan that will be included in the construction documents; which will be part of our response to your full list of comments.

Mr. Yager stated that the Planning Board would want a condition in their resolution approving the preliminary plat that that be addressed at the contract drawing phase.

Hugh Kimball questioned if the Belgium Cold Springs Fire Department has had an opportunity to review this most recent plan and have had a chance to comment on it.

Matt Speech, Belgium Cold Springs Fire Department, stated that their concerns would be access to the pond just in case someone went down in there and we'd have to get them out.; as well as the radius of the road...

Mr. Yager stated that all of the radiuses are to Town Standards so from that aspect you should be in good shape.

Karen Rice, Clerk, stated that a letter is in front of the Chairman from the Fire Department with regard to hydrants to be read into the record.

There is a letter on file dated July 12, 2017, prepared by Matt Speech, 1<sup>st</sup> Assistant Chief, Belgium Cold Springs Fire Department, that will be made part of the public record in part:

In an effort to increase fire protection on Patchett Road, we would like to make a recommendation. Currently there is a long stretch of Patchett Road that has no fire hydrants. This is the case from 3297 Patchett Road to the intersection of Collington Pointe and Sudley Way. There are hydrants currently in Talamore Way, however, those will not help in the event of a fire in the section of Patchett Road that does not have hydrants. We would recommend that fire hydrants be added along Patchett Road where there are currently none. This would aid us in providing our apparatus with the necessary water to effectively extinguish a fire in this area

of Patchett Road. With the upgrades that are to take place for the Collington Pointe East expansion, this would seem like an opportune time to add the fire hydrants.

Mr. Yager stated that there are a couple of caveats to that...it is a special water district controlled by the Town; so the cost of that water main extension...water runs up the knoll in front of Kit Thompson's farm and stops and doesn't go any further east from Talamore, so that's the stretch you're talking about. I believe those homeowner's would not...I'm not sure if the district extends to cover those folks. We'd have to be looking at a potential district extension which would affect those homeowners. We would need a majority to approve that to make that happen. It is certainly something to think about but there are a few steps that have to take place before we can say to the developer, this needs to happen. We can certainly get out a public interest letter to the residents that would be affected, first we'll verify if they're in the district or not and if they're not we'll get out a letter and see if they're interested. This might be an opportunity to have OCWA do that extension and fund it through bonding for the district.

Steve Darcangelo questioned if the water line goes to the top of the hill.

Mr. Yager concurred stating almost right to the driveway of Kit Thompson's.

Jerry Hole stated that it ends just short of Kit's.

Mr. Speach stated that he calculated it out at almost exactly one mile.

Mr. Yager that it's a pretty steep cost to put in a mile of water main, it's about \$50/foot. It's a pretty steep cost those residents would be asked to pay.

Mr. Hole added that there are about ten homes there.

Mr. Yager concurred stating that in lies the problem; it's not that we don't want to see it happen; are these folks willing to be strapped for the debt service to make it happen.

Mr. Frateschi reiterated that it's not part of the Collington Pointe District, it's a separation water district?

Mr. Yager concurred.

Mr. Frateschi stated that the development we're talking about really doesn't affect the Patchett Road district; so it's hard to make the argument that...

Mr. Yager concurred stating that this (development) would actually be part of the Collington Pointe Water District; Patchett Road is part of the Cold Springs Water District.

Mr. Kimball and Mr. Corey indicated that this is really a Town Board decision, not the Planning Board.

Mr. Yager concurred stating that in the end the district extension would be with the Town Board. If it's something they want us to do we can get letters out to the folks that would be affected and do a debt service estimate to see if it's something they'd be willing to consider.

Mr. Kimball posed a question to the Town Board members present this evening; have we resolved the issue of the open space; who is going to own it and how are you going to prevent further development?

Joe Saraceni, Town Supervisor, stated that he believes the properties along Patchett Road...there's an agreement to extend what was going to be Town owned space to Patchett Road to those properties with covenants on those. The property at the back is still going to remain with the Town. We're still exploring what the final use is going to be of that; but that's going to be conveyed to the Town. The pond area is also going to be conveyed to the Town.

Mr. Lester stated that there was a fair amount of discussion from the public at the Public Hearing about a Homeowner's Association to enforce covenants. Has the developer thought about that.

Mr. Bouchard stated that there will not be a Homeowner's Association. As the Supervisor said...the current plan was updated for the lots that directly abut Patchett Road. Those green spaces will be absorbed into the adjacent lots and become part of those lots (unclear). The pond and remaining greenspace would be dedicated to the Town. It would not be covered under covenants of a Homeowner's Association.

Mr. Darcangelo asked for clarification.

Mr. Yager stated that the parcels that are currently labeled Covenant will be actually included in the lot. The deed for each individual lot...

Mr. Frateschi reiterated that this will be done for 77, 78, 79, 80, 81, 46, 26, 27, 28 & 29 that will have covenants along Patchett Road.

Mr. Yager concurred stating that one of the other things would be on the final plat we specifically make notes of the restrictions of those lots. That would be the best way to make sure that it's enforced so that someone doesn't try to further subdivide the portion that backs up to Patchett Road.

Mr. Darcangelo reiterated that they will be developable lots, but only with frontage on the new road.

Mr. Yager concurred.

Karen Rice, Clerk, questioned Lot 91.

Mr. Yager stated that he believes Lot 91 should be added to Lot 29 or talk to the neighbor and ask if they're willing to make that part of their deed. It really only makes sense to give it to the existing home that's there, just because it's going to be their side yard.

Karen questioned the parcel adjacent to Lot 1...the 32,000 sf will go with the 11,000 sf parcel?

Mr. Yager and Mr. Bouchard concurred.

Mr. Kimball questioned what districts would be formed for this development.

Mr. Bouchard stated that there is an existing water, sewer, drainage & lighting with district extensions for Collington Pointe.

Mr. Darcangelo questioned the 10' landscape buffer at the east and west lines of the property...is it meant to be a drainage easement or is it an easement at all.

Mr. Yager stated that the easement would actually be in front of the buffer so basically those lots would have covenants on them as well restricting them from clearing that last 10 feet behind the easement.

Mr. Kimball stated that he assumes this will be built in phases and questioned how many over how many years and where you're going to start etc...

Mr. Bouchard stated that the first phase will be the extension off of Chillingham Way. Road C would probably be the second phase with the remaining lands being done in two phases over a course of a few years.

Mr. Frateschi stated that the map will have to show the various phases before we approve it so that we have that in place.

Mr. Lester questioned if there would be a haul road off of Patchett Road.

Mr. Bouchard concurred stating that there will be construction traffic off of Patchett Road and Chillingham Way.

Mr. Yager stated that more than likely there will have to be some construction traffic off of Chillingham Way. It only makes sense for them to get a haul road in from Patchett Road; but when they start to do the sewer connection or bring in the equipment to build the stormwater pond they're going to unload that equipment at the dead-end of Chillingham Way.

Mr. Frateschi questioned Lot 54.

Mr. Yager stated that that was determined by the Army Corp Wetland delineation that it was a non-substantial, non-jurisdictional parcel. That should have been taken off of the preliminary plat.

Karen stated Lot 18, 19 and part of 53, as well.

Mr. Yager concurred as well as what runs through 4, 5, 32, 33 and 41.

Mr. Darcangelo stated that he has made comments in the past, not necessarily related to this project, but as we further develop Patchett Road/Collington Pointe, the intersection at Collington Pointe Way and 370 as it crosses gets a fair amount of traffic. I know that the studies may not indicate that there are any issues regarding traffic volumes there, but I would think that we as a Town should evaluate that in the future. I have seen not one or two, but a number of very dangerous situations there. Here's the circumstance that makes it dangerous...the shoulders are wide enough for cars to pass on the right hand side of a stopped vehicle, also wide enough for those cars to not have to slow down much. So as a result of what you have is when cars are making left hand turns...you have other vehicles passing on the shoulder, which I have personally seen create what has been dangerous but fortunately with no accidents. However, because of the speed and because of the type of accident it would be, I'm afraid it would be

quite a bad accident. It is just something that we may need to give some thought to. I don't know how, I don't know if it's enforcement, I don't know if it's the speed limit, but I just think it would be prudent as we add additional traffic to the roadway to consider that. The vehicles that queue up at an intersection are the vehicles that have a tendency to take a greater risk pulling out onto the roadway. As we put more traffic onto Patchett Road using Collington Pointe as an exit onto 370, any of those vehicles will queue up and will have a tendency to become impatient by the time they get to the intersection and as often with human nature don't wait for the safe gap to enter onto the roadway. This is just something we may need to evaluate, not in relationship to this development necessarily, just to the increased traffic on a road within our Town.

Mr. Yager stated that he spoke with the Town Board about this. One of the things included in the DOT's review of this project was the suggestion of either a special district or a highway overlay that would collect a fee per lot that's developed to pay for future traffic improvements. I know the Town of New Hartford has done this in a commercial area. I know the Town of Colonie has done it in a commercial area out by the Albany airport. I am going to pull those two sections of Code for our Town Board to review. If it's something they want to act on we would consider implementing something like that for the Cold Springs Peninsula so that any new lot that is created will pay, just like our fees in lieu of parklands, they would pay a fee to pay for future improvements when the DOT deems they are necessary at the time of subdivision.

Mr. Darcangelo stated that that is an interesting concept.

Mr. Bouchard stated that the other option is to just wait until the trigger happens and if that trigger happens it may only be a 10 lot subdivision and that developer is verted with shoulder widening, left turn lanes at the intersection. The idea is for a payment in lieu where you have a rate schedule and based on the size of your development there's a rate that's associated with your development that goes into a fund so that in the end when the trigger happens it's the burden of very small parties instead of one big party.

Mr. Yager concurred stating that in New Hartford it's based on cost of construction for commercial buildings...in this instance it might be appropriate to do a flat fee per lot created; which would be the easiest way of doing it.

Mr. Bouchard had asked for a special meeting for this application, as the turn-around time on the changes should be well before the next meeting. However, due to several anticipated absences for any dates proposed, it was determined that the Board and applicant agree to an extension of time on any action taken on this application. The request was dictated by the closing of the Public Hearing. The hearing was closed July 13, 2017. Action is required within 62 days of the closing of that Hearing. The 62 days will expire a day or two prior to our next regularly scheduled meeting.

Mr. Bouchard agreed to an extension of time on behalf of his client, no date given however as they're expecting action on the 14<sup>th</sup> of September; if that doesn't take place a second request will be required.

Mr. Bouchard thanked the board for their time.

### III. NEW BUSINESS

1. Controlled Site Use—Dog Day Care      Flaherty, Bernie & Tiffany  
Case No. 2017—011                              2052 Lamson Road

Bernie and Tiffany Flaherty were before the board stating that their intension is to open up a dog day care and grooming facility at the former Brzostek property on Lamson Road. Everything is existing, the building, water and septic.

Karen Rice, Clerk, stated that they will only be adding a fenced in area and a sign.

Mr. Flaherty concurred stating that they will have an enclosed area so that the dogs can play during the day time. The enclosure will be a wooden fence, 32' x 40'. It will be behind the building in a secluded area. It will be attached to the building.

The notation on the plan indicating a pool was part of a prior site plan that was before the board, the pool has been removed.

Hugh Kimball questioned what else is on that property.

Mr. Flaherty stated that it looks like an auto detailer, who takes up pretty much half of the building.

Mr. Kimball questioned what is in the other buildings.

Tiffany Flaherty stated that she believes they use it for storage.

There was some discussion as to what the applicant is seeking.

Karen Rice, Clerk, stated that they are seeking a Controlled Site Use. It's just a change in use of the property. In other districts a change in use is allowed by right with a building permit. The auto detailer didn't even come before the board. This is an allowed use under the General Business District regulations.

Mr. Lester questioned if there would be any new curb cuts off of Lamson Road.

Mr. Flaherty stated that there will not...everything is existing. There is a very wide access and parking area.

Steve Darcangelo questioned if zoning would restrict this use.

Al Yager, Town Engineer, stated that it will not. It is allowed with a Controlled Site Use.

Mr. Lester reiterated that the present use is an auto detailer.

Mr. Flaherty stated that that is what is taking place in the front portion. I believe the gentleman who runs the auto detailing was leasing the whole entire building and he has come to a decision where he doesn't want to take up the whole building so we're going to be taking up half to 2/3's of it.

Mr. Lester stated that it's a two-story building.

Mr. Flaherty concurred stating that he believes there are apartments on the second floor at the other end of the building.

William Lester questioned how much waste would be generated and if it would impact the septic system.

Mr. Flaherty stated that that will not be an impact as the dog waste goes into a dumpster.

Mr. Yager questioned the residential uses.

Karen stated that if there is they'd be grandfathered.

Mr. Yager stated that he was not aware of this and feels it's something for the board to consider for this use.

Karen stated that they're not an allowed use under the current zoning.

John Corey questioned if there are people actually living there?

Mr. Flaherty stated that he has no idea.

Mr. Corey stated that he has been up there many times and has never been aware of it.

Tim Frateschi, Esq., stated that they would lose the non-conforming use of the property if it has been abandoned. It's usually 6 months.

Mr. Darcangelo stated that regardless of whether it's grandfathered or not the building code still applies. We should have some verification that there's the 2R rating between the commercial floor and residential use on the second floor. This is just something for the Code Enforcement Officer to consider.

Mr. Yager suggested we get a statement from the property owner stating that there is no longer residential properties above this facility.

Karen stated that that has nothing to do with their application though. We have a letter from the owner authorizing the applicant to speak on their behalf.

Mr. Kimball questioned if you're renting from the tenant or the property owner.

Mr. Flaherty stated that he is renting from the owner.

Mr. Corey added that it's the Estate of Margaret Brzostek. There is an email on file dated July 31, 2017, which states: To Whom It May Concern: The Estate of Margaret Brzostek approves Bernie and Tiffany Flaherty of making application to run a doggie day care/grooming facility at 2052 Lamson Road. Please contact me if any further information is required. Thank you!  
Margaret O'Mara, Executrix.

Mr. Kimball questioned if we should get a letter from her stating that there's nobody living there.

Karen reiterated that that has nothing to do with the Flaherty's application. You can't hold them up because they may be doing something illegal.

Karen stated that we can go to the Assessor's Office and see what they have it collected as.

**Note: After researching the Assessor's records, a building permit was obtained in 1978 to build the "Auction Barn" with an apartment. A permit for the swimming pool was issued in 1980.**

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

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 Bernard & Tiffany Flaherty, 2052 Lamson Road, Phoenix, New York Controlled Site Use application.

7 Ayes -- 0 Noes

The applicant has completed Part I, Project Information; John Corey, 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, water bodies, 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 Lester, 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 Bernard & Tiffany Flaherty, 2052 Lamson Road, Phoenix, New York, Controlled Site Use application, the Planning Board issues a NEGATIVE DECLARATION.

7 Ayes -- 0 Noes

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

RESOLVED, that having reviewed a site plan as defined on a filed Subdivision map, dated November 8, 1995, prepared by Stephen Sehnert, Applied Earth Technologies, Licensed Land Surveyor, associated with the application of Bernard & Tiffany Flaherty, 2052 Lamson Road, Phoenix, New York for a Controlled Site Use to allow the operation of Paw's Puppy Palace 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 site plan is hereby approved

7 Ayes -- 0 Noes

The Flaherty's thanked the board for their time.

IV. ADJOURN

RESOLUTION #5 -- Motion by Lester, Second by Daprano

RESOLVED, that the Town of Lysander August 10, 2017 regular Planning Board meeting adjourn at 7:46 p.m.

Respectfully submitted,

Karen Rice, Clerk