

TOWN OF LYSANDER
PLANNING BOARD MEETING
8220 LOOP ROAD
Thursday, July 12, 2018 @ 7:00 p.m.

The Town of Lysander Planning Board meeting was held Thursday, July 12, 2018 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; Bill Lester; Steve Darcangelo; Keith Ewald and Doug Beachel

OTHERS PRESENT: Al Yager, Town Engineer; Tim Frateschi, Esq.; Michelle Collins; David Lewis; Ron Merle; Julian Clark, Plumley Engineering; Pat Jokajtys; Frank Costanzo, ZBA; Matt Speach, Belgium Cold Springs Fire Department; Robert Jokajtys; Steve Sehnert, Licensed Land Surveyor; Eric Croucher; Frank O'Donnell, ZBA; Tim Coyer, Ianuzi-Romans and Karen Rice, Clerk

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

I. PUBLIC HEARING -- 7:30 p.m.

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| 1. Minor Subdivision
Case No. 2018—002 | Croucher, Eric
8299 Wheaton Road |
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The Public Hearing opened at 7:00 p.m.

Steve Sehnert, Licensed Land Surveyor, represented the applicant stating that Mr. Croucher owns approximately 100 acres of land on the west side of Wheaton Road, approximately 1400' south of Reeves Road, previously known as the Thelen Property. A number of years ago this original parcel was subdivided out and has since been sold. Currently we are cutting out three lots, Lot 2B and 2C will have 200' x 400', as well as a lot six acres in size which contains all of the original farm house and out-buildings. Percolation tests have been performed with subsurface sewage disposals plans to be submitted to the Onondaga County Health Department for review and approval. The remnant piece will remain under agriculture.

Steve Darcangelo questioned how you protect the separation from the well on the adjacent parcel to the septic stem on proposed Lot 2B.

Al Yager, Town Engineer, stated that as part of the approval process for a subsurface sewage disposal plan the County Health Department wants you to locate adjoining properties wells on the plan.

Mr. Darcangelo questioned how the purchaser of Lot 2B knows there is a restriction on that portion of the property, is it in the deed or just buyer beware, stating that a hundred foot buffer from the well on Lot 1.

Mr. Sehnert added that there is a 100' minimum separation requirement that must be met.

Mr. Darcangelo reiterated that the restriction is there and will be assured by the Health Department.

Mr. Sehnert concurred stating that they will come out and inspect the septic system on Lot 2B once it's installed. The Onondaga County Health Department enforces that.

Tim Frateschi, Esq., concurred stating that he believes that's why they make you show any adjoining wells.

Patricia Jokajtys, Wheaton Road, stated that she owns what is identified as Lot 1 stating that her primary concern is that well; which is very close to the property line. First of all, my first question is, what is the meaning of the half circle on the plan...is that separation.

William Lester stated that it's the 100' buffer to the well.

Ms. Jokajtys stated that from her observation when they did the perc test it appeared to be very much closer to the property line than what is indicated on this map.

Mr. Sehnert stated that there were a number of perc tests taken in other locations which dictated the location of the proposed septic system.

(Mr. Sehnert explained the procedure from taking percolation tests to the design of a subsurface sewage disposal system).

Ms. Jokajtys questioned the process when it comes to drilling a well...do they have unlimited access.

Mr. Sehnert stated not necessarily, they have to respect the 100' setback from your well and any other well in the area and we have to respect the 100' setback from the proposed septic system to the proposed well.

Ms. Jokajtys stated that the house was built in 1996, at that time it had to be 2 acres to build a house and questioned when that changed.

Mr. Yager stated that the requirement is 80,000 square feet; which is just under 2 acres.

Ms. Jokajtys reiterated that they both comply.

The Board concurred.

Robert Jokajtys questioned what's there to protect the integrity of the well on Patricia's property. The integrity of her well from any construction, any well and septic on Lot 2B? Is it the 100' radius or is there something else?

Mr. Yager stated that that is what the 100' radius is for, to protect her well from that. That is what the intent of that is per the Health Department.

Mr. Jokajtys questioned if it was the County Health or State Health Department.

Mr. Yager stated the County Health Department which coincides with the State Health Department as well.

Mr. Jokajtys thanked the Board for their time.

The Public Hearing closed at 7:18 p.m.

PUBLIC HEARING -- 7:15 p.m.

2. Minor Subdivision	Lewis, David
Case No. 2018—004	Lamson Road

The Public Hearing opened at 7:19 p.m.

Dave Lewis stated that he is looking for subdivision approval to allow him to build his home with access at 2550 Lamson Road.

Recap of June 11, 2018 Planning Board meeting:

Michael Lewis represented his father, David Lewis with regard to the Minor Subdivision of property on Lamson Road, stating that he received an Area Variance from the Zoning Board of Appeals changing the lot width of property located at 2550 Lamson Road from approximately 130' to 226'. In doing so he would like to reconfigure three parcels, two of which are landlocked to allow access to the rear parcel so that he could build a home.

John Corey, Chairman, questioned if access would be via a right-of-way.

Mr. Lewis stated that there is a twenty-five foot right-of-way indicated on the plan, a copy of the language was supplied to Karen and will be filed with the County if the subdivision is approved.

In reviewing the County's Findings Tim Frateschi, Esq., stated that the County wanted to see a 30' right-of-way. County Findings, in part:

- 2) Per the Onondaga County Department of Transportation, the proposed ingress and egress easement must be 30' wide to meet Department minimum standards. Access will be determined by the availability of sight distance.

Mr. Frateschi continued stating that you won't be able to get a curb cut.

Karen Rice, Clerk, stated that there's an existing driveway, an additional curb cut will not be required, although he has plenty of frontage to do so if he so desires.

Mr. Lewis added that he uses it daily now to access the barns.

Mr. Yager added that there's an existing driveway to access the existing barns on the parcel, so there is no County DOT Right-of-Way Work Permit required for this as it's an existing driveway and merely a legal access easement across what is identified as Parcel Two.

Karen stated that the Board will have to override County's recommendation.

Mr. Yager concurred stating that a super majority is required.

Mr. Darcangelo reiterated that this modification won't prompt the County to make any change regarding access.

Mr. Yager concurred, because it's existing. By State Law you're only required to have 15'. I'm not sure why they made that comment.

Mr. Frateschi stated that our Board can't represent that the Onondaga County Department of Transportation is going to be ok with the existing curb cut at 25'. I don't think it's going to be an issue and I don't think they're going to be able to keep you from using from what you've already been using; but that is a question between you and the Department of Transportation.

Mr. Darcangelo added that the purpose of that access is changing. Right now it's access to a barn....

Mr. Lewis stated that there is also a house at 2550 Lamson Road, which is my property as well and then I access the barns behind the house.

Mr. Frateschi added that there will now be two residential units using the one driveway. Again, I don't think it's a problem, I don't think it's an issue for this Board but we don't speak on behalf of the County of Transportation. So, we can override by a majority plus one vote and they can decide what they're going to do. I don't think they're going to do anything...(unclear).

Karen....and if not you can put one down here indicating on the plan along the 160' of road frontage and that's going to be one long driveway.

Mr. Frateschi stated that he suspects it's not going to be a problem.

Mr. Darcangelo questioned if the existing 25' is an easement or just a driveway.

Mr. Lewis stated that it's a driveway at this time but owns all of the property.

Mr. Frateschi stated that you could make the easement 30' if you want to.

Mr. Lewis stated that he could, but the map was already drawn for 25' and our attorney wrote up the easement at 25'. Karen said to wait on the filing until the board made a determination. Otherwise I was going to submit it to County.

Karen stated that she didn't think it could be submitted without subdivision approval. State Law is only 15' of access.

Mr. Darcangelo stated that you do take some risk with the County under the circumstances of changed use, multiple uses, as opposed to single use. I agree we do not speak on behalf of the County as it's a County road.

Hugh Kimball questioned if the plan was to have a cross easement for the two properties once it's created.

Mr. Lewis stated that he owns both properties...

Mr. Kimball understands that, however you may not always own both properties.

Mr. Lewis stated that that is the purpose of the easement, to give me access, so yes.

Mr. Darcangelo questioned whether or not Parcel 1 is compliant with the Code, as well as the regulation for the four to one ratio

Karen stated that Parcel 1 is compliant, it has more than 260', Parcel 2 is more compliant than it was before the Zoning Board of Appeals granted a Lot Width Variance.

Mr. Yager added that you're never going to meet that when you have property lines that are 2000' long, but he doesn't control more than 4 to 1 now and it's at the Planning Board's discretion per the Code (§270-14 Blocks & Lots, Paragraph B(4): Lot depth should not exceed four times the lot width, unless approval is granted by the Planning Board.

William Lester questioned whether it would be a problem making it 30' wide rather than 25' due to County's concern with sight distance.

Mr. Lewis stated that if he has to he can go back to the surveyor and adjust that; however the space is probably already 30' wide.

Mr. Frateschi stated that we're not approving an easement; an easement is just showing on our subdivision map. Whatever he decides the easement is going to be, he can change it going forward. The subdivision won't change that. The subdivision just shows the lots. We want to show an easement over it so that we can prove to somebody in the future that we thought about having access to the property in the back. Your deeds are the ones that ultimately show the easement.

In reviewing the plan it was determined that the existing house is right on the 25' easement line and questioned how one proposes to move the house.

Mr. Frateschi stated that that's the problem. You can't move that over...

Mr. Yager stated that you can make it wider as you go closer to the road so that it's 30' where you access the road.

Karen...most easements don't read that way; it would be 30' all the way back, or 25' or 10'.

Mr. Yager concurred stating that they can write it anyway they want. It's just a legal description, it's not a big deal....you put a bearing distance on it and it's not a big deal to write the legal description for an easement that way. I think the issue is he's not proposing any new curb cuts, therefore he doesn't need a County DOT right-of-way permit. From the Town's standards the lot is in compliance. If he ever needs a DOT right-of-way permit he may need to modify that easement, so....then he would have to refile the deed Parcel 2, that's all that that would amount to. So, this Board can allow him to proceed at his own risk provided he feels comfortable going forward with the 25' easement as shown; if he ever runs into a problem he can always refile the deed for Parcel 2 and give himself a 30' easement.

Karen...or before he sells Parcel 2.

Mr. Yager concurred stating that if he wants to correct it at that time and make it 30' at that time at the right-of-way line he can do that.

The Public Hearing closed at 7:32 p.m.

II. APPROVAL OF MINUTES

Review and approval of the minutes of the June 11, 2018 Planning Board meeting.

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

RESOLVED that the Minutes of the June 11, 2018 regular Planning Board meeting be approved as submitted.

7 Ayes -- 0 Noes

III. OLD BUSINESS

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| 1. Minor Subdivision | Croucher, Eric |
| Case No. 2018—002 | 8299 Wheaton Road |

There's a letter on file from the Town Engineer, dated July 12, 2018 that will be read into the record, in part:

I have completed my review of the Preliminary Plat for the Croucher Minor Subdivision, prepared by Applied Earth Technologies, dated July 5, 2018. Overall it appears that the proposed lots conform to all applicable Town Code requirements. With that being said, I would have no objections to the Planning Board approving this Minor Subdivision at this time.

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 was forwarded to the Onondaga County Planning Board who made the following recommendation, in part: 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 Comments:

- 1) The Board encourages the Town to consider the potential long term effects large lot, strip subdivisions along road frontages, particularly within areas containing New York State Agricultural District properties and in farm/agricultural zoning districts, as potential conflicts with agricultural operations, changes to the rural character, increased public service demands and costs, reduction of open space and farmland, and impacts to road safety and mobility may cumulatively occur.
- 2) The Board encourages the applicant and Town to consider and explore opportunities to cluster the smaller lots so as to preserve frontage, reduce impacts to the remainder of the site and specifically on the agricultural land, and consolidate access on the high speed roadway. Any clustering of lots using on-site stormwater management must be coordinated early on with the Onondaga County Health department, to ensure long-term viability of plans for wastewater management.

- 3) The applicant and municipality are advised to ensure the following county, state, and/or federal regulations have been met prior to approving this subdivision:
 - a. Septic System Approval—The Onondaga County Health Department must formally accept or approve, respectively, any existing or proposed septic system to service proposed Lots 2B, 2C and 2D prior to Department endorsement of the subdivision.
 - b. State and/or Federal Wetlands Approval—The applicant is advised to contact the U.S. Army Corps of Engineers (USACE) and/or the New York State Department of Environmental Conservation (NYS DEC) to confirm the presence of federal and/or state wetlands and/or the 100'foot state wetland buffer on the site. All confirmed wetlands should be shown on the plans for the site. The applicant is also advised to contact the USACE and NYS DEC to determine whether permits are necessary for the proposed project and obtain any applicable permits.

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

RESOLUTION #2 -- Motion by Corey, 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 three (3) lot subdivision application by Eric Croucher 8299 Wheaton Road, Baldwinsville, New York, Part of Farm Lot No. 63 and Tax Map No. 028-02-03.6, as shown on a map dated July 5, 2018, prepared by Stephen Sehnert, Licensed Land Surveyor, is hereby approved, with the following conditions, if any.

DISCUSSION: Hugh Kimball, for the record: With regard to the possibility of wetlands, there is nothing that we can see that is going to be constructed that is anywhere near where there may be wetlands on the back of the property, but if so please be aware of them and any regulations that may apply.

Mr. Sehnert concurred.

7 Ayes -- 0 Noes

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

RESOLVED, that in granting a subdivision to Eric Croucher located at 8299 Wheaton Road, Baldwinsville, New York, the Planning Board invokes its right to impose a fee of \$250.00 per lot for two (2) lots 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 are paid.

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 Clerk's office.

Mr. Sehnert thanked the Board for their time.

2. Minor Subdivision
Case No. 2018—004

Lewis, David
Lamson Road

There's a letter on file from the Town Engineer, dated July 12, 2018 that will be read into the record, in part:

I have completed my review of the Preliminary Plat for the Lewis Minor Subdivision, prepared by Robert M. Burleigh, dated May 15, 2018. Overall it appears that the proposed lots conform to all applicable Town Code requirements. With that being said, I would have no objections to the Planning Board approving this Minor Subdivision at this time.

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.

The application was forwarded to the Onondaga County Planning Board who made the following recommendation, in part: 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 Modifications:

- 1) The applicant must contact the Onondaga County Health Department's Bureau of Public Health Engineering to determine the location of the existing sewage disposal system.
- 2) Per the Onondaga County Department of Transportation, the proposed ingress and egress easement must be 30' wide to meet Department minimum standards. Access will be determined by the availability of sight distance.

Mr. Corey stated that we've already discussed these matters.

Mr. Frateschi stated that that easement has nothing to do...they have more than enough frontage on the road for access. That easement is immaterial to this subdivision. We can note for the record that he has more than enough access on the road to access the entire property without even using that easement...he has multiple options.

Mr. Kimball added that what he does plan to use is an existing driveway.

The Board also offers the following comments:

1. Any future or proposed access to Lamson Road from proposed Parcel One must be coordinated with the Onondaga County Department of Transportation prior to municipal approval of the subdivision. Access will be subject to the availability of sight distance and will require highway access and work permits from the Department.

2. The Board discourages the creation of irregular lots and encourages the applicant to consider alternative configurations that prioritize effective land use based on the natural features OF the site over trying to decrease the existing non-conformity.

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

RESOLUTION #4 -- Motion by Corey, 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 David Lewis, Lamson Road, Phoenix, New York, Part of Farm Lot No. 50 and Tax Map No. 024-02-12.1, 12.2, 12.3 and 12.4, as shown on a map dated May 15, 2018, prepared by Robert Burleigh, Licensed Land Surveyor, is hereby approved, with the following conditions, if any.

DISCUSSION: Hugh Kimball, for the record: With regard to the possibility of wetlands, there is nothing that we can see that is going to be constructed that is anywhere near where there may be wetlands on the back of the property, but if so please be aware of them and any regulations that may apply.

7 Ayes -- 0 Noes

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

RESOLVED, that in granting a subdivision to David Lewis for property located at Lamson Road, Phoenix, New York, the Planning Board invokes its right to impose a fee of \$250.00 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 are paid.

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 Clerk's office.

Mr. Lewis thanked the Board for their time.

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| 3. | Movement of a Lot Line
Case No. 2018—005 | Gilbert, Pauline
East Mud Lake Road |
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The Pauline Gilbert, East Mud Lake Road, application was before the Board May 10, 2018 for the Movement of a Lot Line. There was some discussion as to why the property was not at right angles. Without representation, the Board conditioned the approval as follows:

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

RESOLVED, that the Planning Board, having reviewed the application of Pauline Gilbert, for a division of land for property located at 9025-9045 East Mud Lake Road, Baldwinsville, New York, Part of Farm Lot No. 46 and Tax Map No. 026.-01-19 & 20.1, as shown on a map dated May 30, 2018, prepared by Stephen Sehnert, Licensed Land Surveyor, it has been determined that the request for a division of land is not considered a subdivision of land and the Planning Board authorizes approval of the division of land with the following conditions:

- 1) A survey map and legal description be prepared and submitted to the Planning Board Attorney, that identifies the boundaries of the division of land for his review and approval; and
- 2) The new boundary line at the west boundary should be at right angles if at all possible.

6 Ayes -- 0 Noes

The secretary was asked to get in touch with the applicant and/or her surveyor to find out why this regulation could not be met.

Steve Sehnert, Licensed Land Surveyor, stated that there are a number of mature trees that Ms. Gilbert would like to keep on her property. That's the prime reason for the little skew.

John Corey, Chairman, refreshed the Board's memory of the Regulation in the Code that caused concern:

Section 270-14 Blocks & Lots, Paragraph B(2), in part: To the greatest extent possible, all lot lines should be at right angles to the street or to a tangent of the arc of a curved street.

Mr. Corey continued stating that the Board does have discretion to allow this configuration.

Steve Darcangelo questioned if it changes the frontage of the property by removing that condition.

Tim Frateschi, Esq., stated that it's at the back of the property, that's not perpendicular with the back boundary.

Karen Rice, Clerk, added that the back boundary line is what is not at right angles.

Different options were discussed, with Mr. Sehnert stating that he would talk to his client to see how she would like to proceed, however it was determined that the request is not substantial and that the condition should be removed.

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

RESOLVED, that the Planning Board, having reviewed the application of Pauline Gilbert, for a division of land for property located at 9025-9045 East Mud Lake Road, Baldwinsville, New York, Part of Farm Lot No. 46 and Tax Map No. 026.-01-19 & 20.1, as shown on a map dated May 30, 2018, prepared by Stephen Sehnert, Licensed Land Surveyor, it

has been determined that the request for a division of land is not considered a subdivision of land and the Planning Board authorizes approval of the division of land with the following conditions:

- 1) A survey map and legal description be prepared and submitted to the Planning Board Attorney, that identifies the boundaries of the division of land for his review and approval.

7 Ayes -- 0 Noes

Mr. Sehnert thanked the Board for their time.

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| 4. Minor Subdivision—Amended
Case No. 2018—003 | Penn Estate/Formerly S & R Custom Homes
3626 & 3630 Doyle Road |
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Tim Coyer, Ianuzi-Coyer, represented the applicant, stating that he has been before the Board a number of times for the Penn Subdivision on the corner of Olive Drive & Doyle Road. Previously we had a four (4) lot subdivision that we proposed, and got approval for. Basically we are amending the subdivision from four (4) lots to two (2) lots because we're in a little bit of a predicament because the house on the corner is being sold (Lot 1), the purchasers have already taken possession. That lot has not changed....it is still the same as what was approved. They're just waiting on this map to close. The other lot lines have been eliminated creating Lot 2 to remain as one parcel for now, possibly in the future the septic systems can be figured out where the owners may come back for some other type of subdivision, but that's the way they want to move forward this evening.

There was some discussion as to whether or not a resubdivision is required as there are two existing tax parcels, technically you are going from two existing tax parcels to two new tax parcels. You are not gaining any new lots. It's just the shifting of the property line

Steve Darcangelo questioned if this could be considered a Lot Line Adjustment.

After reviewing the plan, Tim Frateschi, Esq., stated that this could be reviewed as a Lot Line Adjustment.

Mr. Coyer stated that he didn't want to bring in a new map to be signed by the Chairman, without talking to Karen Rice, Clerk, who wanted to make sure we got the Board's approval first. We wanted it to be clean and done the best way.

It was determined that the resolution will be amended reflecting the two (2) lots with a revision date of 6/28/2018.

RESOLUTION #7 -- Motion by Corey, 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 the two (2) lot subdivision application by Michelle Collins, on behalf of the Peen Estate, 3626 & 3630 Doyle Road, Baldwinsville, New

York, Part of Military Lot No. 97 and Tax Map No. 069.-02-06 & 07, as shown on a map dated January 19, 2018 and revised June 28, 2018, prepared by Ianuzi & Romans Land Surveying, P.C., is hereby approved.

DISCUSSION: Steve Darcangelo questioned if a Public Hearing was held on this two (2) lot proposal.

Tim Frateschi, Esq., stated that the Board should make a determination that going from four (4) lots to two (2) lots is insignificant.

Board members concurred

Mr. Frateschi continued stating that it's less dense therefore your SEQR determination has not changed and because the number of lots is being reduced a second Public Hearing is not required.

7 Ayes -- 0 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 Clerk's office.

Mr. Coyer thanked the Board for their time.

IV. NEW BUSINESS

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| 1. Site Plan Approval | 8265 Loop Road LLC/Gypsum Express |
| Case No. 2018—007 | 8265 Loop Road |

Julian Clark, Plumley Engineering, represented the applicant, stating that the property in question is 8265 Loop Road. Currently Gypsum Express is running a Maintenance Garage and Office out of the building with tractor trailer storage in the back. They are proposing to increase their tractor trailer storage with approximately 463,000 square feet of pavement for all of their Gypsum tractors and trailers. Access will be through an existing driveway on their parcel. We are in the process of designing a Stormwater Management System which will have to be approved by the Town and a Stormwater Permit obtained. We did identify a couple of wetlands that are shown on the plan. We have received a letter of approval from the Empire State Development Corporation (ESDC). We are here tonight to hopefully send it to County and talk about the project.

It was determined that the application will not require review by the Onondaga County Planning Board as it's not within 500' of any of their criteria.

Al Yager, Town Engineer, questioned if they received a wetland determination from the Army Corp of Engineers.

Mr. Clark stated that they have identified two wetland areas. We're not impacting them. We have had no correspondence with them. We did talk to them back in 2004 but nothing since that time.

Mr. Yager suggested looking into the topography that's there. When it rains it remains pretty wet.

Steve Darcangelo questioned the lot coverage.

Mr. Yager stated that it's a lot of blacktop but within the allowable numbers per ESDC.

Mr. Yager continued stating that he needs to see the Stormwater Pollution Prevention Plan and design before he is in a position to sign off.

This item will be tabled until such time that the applicant asks to be placed back on the agenda.

Mr. Clark thanked the Board for their time.

V. OTHER BUSINESS

1. Major Subdivision—Final Plat Cobb, Timothy & Morgan
Case No. 2017—013 Cold Springs Road

There are two letters on file, dated December 14, 2018 and February 8, 2018, prepared by Al Yager, Town Engineer, that have already been made part of the public record. There have been no changes since that time.

RESOLUTION #8 -- Motion by Corey, Second by Kimball

RESOLVED, that the Planning Board authorizes the Chairperson to review the Final Plat for the three (3) lot subdivision application of Timothy & Morgan Cobb, for property located at 3145 Cold Springs Road, Baldwinsville, New York, Part of Tax Map Number 060-02-08 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

2. Major Subdivision—Final Plat Cabbage Patch
Case No. 2016---008 Whispering Oaks, Section 4, Phase I

Steve Sehnert, Licensed Land Surveyor, represented the applicant. As-built/Contract Documents were hand-delivered to Al Yager, Town Engineer, for his review and approval.

Mr. Sehnert submitted a copy of the Preliminary Plan for Whispering Oaks, Section 4 which shows the whole project from Rubicon Road to Emerick Road, as well as a Final Plan for Section 4, Phase I consisting of ten (10) lots, which is essentially the same lot configuration as what's on the Preliminary Plan. Public Sewer, Water and Drainage items have all been resolved.

Hugh Kimball stated that there were some pretty serious questions raised at the last Town Board meeting so I'd like to get Al Yager, Town Engineer, on the record that all of those problems have been resolved.

Mr. Yager stated that they have.

Mr. Sehnert stated that we'd like to get Phase 1 filed so that Ron Merle, Ron Merle Custom Homes, can get started.

Mr. Kimball stated that he drove in there the other day and where there are two gutters on each side of the road...there was some indication that there had been some kind of flow on the road because there was some sand and soot on each side of the road. I wasn't sure what had happened.

Mr. Yager stated that the storm that we had on June 1st where we had 2.86 inches of rain...that's one of the things that they need to clean up before they can get dedication of the roads and utilities. This resolution would be contingent upon the Town Board taking dedication of the roads and utilities in Phase I as well as the Special Districts..

Steve Darcangelo questioned if the Districts have been established.

Mr. Yager stated that that is one of the things the Town Board needs to take action on. I was working with Matt Tompkins at Plumley Engineering today on the water, sewer, drainage and lighting district extensions for the project.

RESOLUTION #9 -- Motion by Corey, Second by Lester

RESOLVED, that the Planning Board authorizes the Chairperson to review the Final Plat for the Ten (10) lot subdivision application of Cabbage Patch, Whispering Oaks, Section 4, Phase I located at 8185 Emerick Road, Baldwinsville, New York, Part of Tax Map Number 049.-02-03 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. Sehnert thanked the Board for their time.

3. Planning Board Legal Representation:

Tim Frateschi, Esq., stated that his Law Firm, Frateschi, Schiano & Germano, which represents the Planning Board, based on your resolution made and approved earlier this year has merged with the Baldwin Sutphen Law Firm and will now be known as the Baldwin, Sutphen & Frateschi Law Firm. We would need a resolution recognizing that and assigning the existing engagement letter to Baldwin, Sutphen & Frateschi under the same terms and conditions of the existing engagement letter.

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

RESOLVED, that the Planning Board appoint Timothy Frateschi, Esq., Baldwin, Sutphen & Frateschi, attorney to the Planning Board, for the remainder of the 2018 calendar year.

7 Ayes -- 0 Noes

Tim Frateschi, Esq., stated that there has been an issue over the Quattrocchi Minor Subdivision that was approved by this Board in 2016 and whether or not a 16 1/2' easement or a 33' easement exists. The subdivision map shows two 16 1/2' easements side by side, one on one property and one on the other property. This was what was approved and this was what was filed in the Onondaga County Clerk's Office. Apparently there's a dispute between the owner of Lot No. 1 and Lot No. 2 as to whether or not the owner of Lot 2 can access that easement. That is not our issue, it will never be our issue. Like we talked about earlier, if the deeds don't properly reflect those easements that's why we have Courts. Otherwise, we're just bringing it to your attention. It is reflected on the subdivision map.

Steve Darcangelo stated that he believes this was discussed in the minutes because there was a question about that.

Karen Rice, Clerk, stated that the Carpenter's, who Quattrocchi sold this house to...I don't think it's going to be an issue because County DOT is not going to give him a second access. I don't know why he doesn't just go down the existing 16 1/2' wide easement and why he wants to go down the 16 1/2' that's on Carpenter's property. That is the Carpenter's concern, that he can construct a driveway on their property approximately 5' from their house.

Mr. Frateschi stated that that will be between the Quattrocchi's and the Carpenter's.

Al Yager, Town Engineer, stated that in his last conversation with Mr. Quattrocchi on July 10th he indicated that he was going to approach the property owner to the north inquire about purchasing a 30' access easement to get him off River Road.

VI. ADJOURN

RESOLUTION #10 -- Motion by Lester, Second by Kimball

RESOLVED, that the July 12, 2018 regular meeting of the Lysander Planning Board adjourn at 8:22 p.m.

7 Ayes -- 0 Noes

Respectfully submitted,

Karen Rice, Clerk

TOWN OF LYSANDER
PLANNING BOARD MEETING
8220 LOOP ROAD
Thursday, August 9, 2018 @ 7:00 p.m.

The regular meeting of the Lysander Planning Board was held Thursday, August 9, 2018 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 and Doug Beachel

MEMBERS ABESENT: Keith Ewald

OTHERS PRESENT: Al Yager, Town Engineer; Doug Reith, CNY Land
Surveying; Frank Costanzo, ZBA; Crystal Pierce-Best and
Karen Rice, Clerk

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

I. PUBLIC HEARING -- 7:30 p.m.

- | | |
|----------------------|-----------------|
| 1. Minor Subdivision | Hourigan, Nancy |
| Case No. 2018—006 | Plainville Road |

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

Doug Reith, CNY Land Surveying, represented the applicant stating that Mrs. Hourigan owns a forty-seven (47) acre lot that we're looking to cut 4.7 acres around the house. The Hourigan's like to come in and buy these farms and cut the houses out so that they can keep the remaining land for agricultural purposes. It's pretty straight forward.

Al Yager, Town Engineer, questioned why the lot is not perpendicular to the road.

Mr. Reith stated that the configuration of the lot was dictated by what they farm, it follows what is farmed.

Mr. Yager reiterated that they want to keep all of the agricultural land that they are farming.

Mr. Reith concurred.

M. Darcangelo questioned if it was staying in the same ownership.

Mr. Reith stated that it will not. They have a buyer for the home. They are waiting for the subdivision so that they can close on it.

John Corey, Chairman, added that the land will remain in agriculture.

Mr. Reith concurred.

Mr. Darcangelo stated that even though this is not the first one we've seen, my preference is not have these broken up; but there's nothing against it so there's nothing we can say. I'd be

surprised if it doesn't create some sort of question or an issue for someone down the road in years to come for maintenance. This peculiar parcel has something pulled out of the middle of it.

Mr. Reith stated that other Towns he's going to have got the same thing. Lots with houses sell and agricultural land remains.

Hugh Kimball stated that there's enough lot width on either side...

Mr. Darcangelo stated that he knows it conforms and everything...

Mr. Reith added that it just looks odd.

Mr. Darcangelo concurred stating that someday it's going to present itself as they further try to develop something, but so be it.

Mr. Yager stated that the parcel do the North does not have enough area to be able to split it off down the road, it will have no area with the setbacks.

Mr. Reith stated that that lot configuration was dictated by following an existing fence line.

The Public Hearing closed at 7:06 p.m.

II. APPROVAL OF MINUTES

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

RESOLVED, that the minutes of the July 12, 2018 regular Planning Board meeting be approved as submitted.

6 Ayes -- 0 Noes

III. OLD BUSINESS

- | | |
|----------------------|-----------------|
| 1. Minor Subdivision | Hourigan, Nancy |
| Case No. 2018—006 | Plainville Road |

The application was forwarded to the Onondaga County Planning Board for their review and recommendation; that will be made part of the public record, in part:

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:

The Board encourages the Town of consider the potential long-term effects of dividing farmsteads and farmlands onto separate lots and subdividing large strip lots along road frontages, particularly within areas containing New York State Agricultural District properties and in farm/agricultural zoning districts. Potential conflicts with agricultural operations, changes to the rural character of the surrounding area, increases in public service demands and costs, reduction of open space and farmland, and impacts to road safety and mobility may cumulatively occur as a result of such subdivisions.

There is a letter on file dated August 9, 2018, prepared by Al Yager, Town Engineer, that will be made part of the public record, in part:

I have completed my review of the Final Plat for the Hourigan Minor Subdivision, prepared by CNY Land Surveying, dated June 1, 2018. As shown the southern lot line is not perpendicular to the street, however Town Code Section 270-14, Paragraph B(2) states this requirement is to be to the greatest extent possible so the Board has discretion in allowing this configuration. Overall, it appears that the proposed lot conforms to all other applicable Town Code requirements. With that being said, I would have no objections to the Planning Board approving this Minor Subdivision.

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 the following comment:

The Board encourages the Town to consider the potential long-term effects of dividing farmsteads and farmlands onto separate lots and subdividing large strip lots along road frontages, particularly within areas containing New York State Agricultural District properties and in farm/agricultural zoning districts. Potential conflicts with agricultural operations, changes to the rural character of the surrounding area, increases in public service demands and costs, reduction of open space and farmland, and impacts to road safety and mobility may cumulatively occur as a result of such subdivisions. .

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

RESOLUTION #2 -- Motion by Corey, 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 subdivision application by Nancy Hourigan, 7391 Plainville Road, Plainville, New York, Tax Map No 036-03-02, as shown on a map dated June 1, 2018, prepared by Douglas Reith, CNY Land Surveying, is hereby approved.

6 Ayes -- 0 Noes

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

RESOLVED, that in granting a subdivision to Nancy Hourigan, for property located at 7391 Plainville Road, Plainville, New York, the Planning Board invokes its right to impose a fee of \$200.00 per lot for one (1) lot in lieu of land for the development of parks, playgrounds, recreation or open land areas in the Town.

Our past practice on situations like this is to vote no, as there is an existing house and the remnant piece will remain under agriculture.

0 Ayes -- 6 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 Clerk's Office.

Mr. Reith thanked the Board for their time.

IV. OTHER BUSINESS

1. Recommendation—Zone Change Babbitt, Tabatha (Tabatha's Family Tree)
3160 Cold Springs Road

John Corey, Chairman, stated that at the request of the Town Board, the Planning Board was asked to review the application of Tabatha Babbitt, on behalf of Tabatha's Family Tree Restaurant for a Zone Change of property located at 3160 Cold Springs Road, Baldwinsville, New York, from Agricultural-Residential-40,000 (AR-40) to Neighborhood Residential Business District (NRBD), to allow for other uses on that site.

Hugh Kimball stated to him it makes sense...there has always been a concern about people crossing 370, especially at night. The proposed uses would definitely have less cars, less need to cross the road and probably nobody using the place at night, so to me it makes sense to make the change. As far as AR-40 is concerned, yes it's zoned that but if you look at the property, it's tiny and in their back and side yard is a very large house so I don't anticipate anybody using the AR-40 portion for anything other than what is being proposed.

Mr. Corey concurred that it's a small lot, less than a half-acre.

Al Yager, Town Engineer, stated that it's approximately 1/3 of an acre.

Mr. Corey stated that he would certainly support the change.

Steve Darcangelo stated that he does in this particular case. My feeling is that changing zoning is a big matter...just because a use may have snuck in through the backdoor a number of years ago does not change the zoning today, but on a case by basis I would agree that in this situation, this particular location serves well for this Neighborhood Residential Business District as it does for AR-40. Through the evolution of the property over the years it's probably a better designation for this parcel than an AR-40, so in this case I would support it as well. But not because I would blindly support any change in zoning.

They want to build a similar building. I think most of it is medical; both buildings in this zone are medical uses. When I talked to the applicant I said I'm sure the Board's not going to let you come off of Gerald Lane or Speach, Speach of course would be too far, but they said they have no intension of doing so. They said they would go right through the existing parking lot if it's approved.

Mr. Darcangelo stated that there would have to be an easement for that.

Mr. Yager stated that they will probably combine the parcels.

Mr. Darcangelo stated that if the parcel at the road is sold they would have no access.

Mr. Yager concurred.

Mr. Darcangelo stated that they bought the property knowing it's a residential parcel. Probably thinking it has greater value as a commercial piece for retail and you could get it rezoned for that reason.

Mr. Yager questioned if they have closed on the property.

Karen stated that the family owns the parcel on 31 as well as this 10 acre piece.

Mr. Corey stated that he's just trying to expand his existing Retail Service lot.

There was some discussion with regard to this parcel being before the Board before when they subdivided the two lots at the road where additional parking was required to accommodate all of the uses and meet Town Regulations.

Karen stated that she believes the boundary line was extended, it wasn't a Zone Change, it still fell into the Retail Service District. If it's approved that would have to happen again. (Chapter 270, Section 270-5. Division of Land Procedure).

Hugh Kimball questioned if the purpose is medical related.

Mr. Yager stated that that's our understanding.

Karen stated that Retail Service is one of our most restricted zones...there's not a lot of uses allowed. It's similar to our Neighborhood Residential Business District. Uses for the 'neighborhood'.

Mr. Darcangelo questioned if there's any residential development currently around this property.

Karen stated that there is not. It's pretty wet when you head toward Noble's property (the old NYS Police Barracks)...

Mr. Yager concurred stating that when you head south it drops off and gets kind of wet there off of Gerald Lane.

Karen added that if it was an easy piece to develop Jerry Speach would have developed it 30 years ago.

With the following conditions:

- 1) Access is limited to and from NYS Route 31.

6 Ayes -- 0 Noes

V. ADJOURN

RESOLUTION #6 -- Motion by Darcangelo, Second by Daprano

RESOLVED, that the August 9, 2018 regular Planning Board meeting adjourn at 7:25 p.m.

Respectfully submitted,

Karen Rice, Clerk

TOWN OF LYSANDER
PLANNING BOARD MEETING
8220 LOOP ROAD
Thursday, September 13, 2018 @ 7:00 p.m.

The regular meeting of the Lysander Planning Board was held at 7:00 p.m. Thursday, September 13, 2018 in the Conference Room of the Town Building, 8220 Loop Road, Baldwinsville, New York.

MEMBERS PRESENT: John Corey, Chairman; Joanne Daprano; Hugh Kimball; William Lester; Steve Darcangelo and Doug Beachel

MEMBERS ABSENT: Keith Ewald

OTHERS PRESENT: Al Yager, Town Engineer; Frank Costanzo, ZBA; Jim Stirushnik; Mark Bragman; James Abear; Carmen Cesta 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 August 9, 2018 regular Planning Board meeting.

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

RESOLVED, that the minutes of the August 9, 2018 regular Planning Board meeting be approved as submitted.

6 Ayes -- 0 Noes

III. NEW BUSINESS

1. Controlled Site Use	Winds of Cold Springs Marina
Case No. 2018-008	3642 Hayes Road

Mark Bragman, Winds of Cold Springs Marina, 3642 Hayes Road, stated that he was told that the property wasn't zoned right for the use he's using it for and is trying to get that changed.

Karen Rice, Clerk stated that the property is zoned right, but the site plan that was approved several years ago for a marina and proposed restaurant has been added to by adding the outdoor bar and stage pavilion. It's more of an amendment to the site plan. It's the two new uses that he constructed, with a building permit that were closed out, but it came up after the fact.

Steve Darcangelo questioned if the original site plan had a restaurant.

In reviewing the files, it was determined that the building permits go back to 1960's for the marina and a retail store. Several applications were made over the years for a variety of things, parking of automobiles for boat owners, boat storage buildings, an addition to the retail store and living space. The last building permit dated September 17, 1985 shows a 1300 square foot proposed restaurant, whether that was constructed at time we don't know.

Mr. Darcangelo questioned if there was an outdoor restaurant similar to this at the time of application.

Karen stated that there was always a marina retail store there, but I don't know if prepared food was sold out of it. There are Certificates of Compliance on file for the existing retail store.

Hugh Kimball questioned if the most recent building permit was issued in August of this year.

Karen stated no, it was when the Code Enforcement Officer issued the Certificate of Compliance.

Mr. Darcangelo stated that the building permits were issued August of 2017.

Mr. Kimball questioned why the building permits were issued prior to this meeting.

Karen stated that prior to Tim Wolsey being here, it happened under the prior Code Enforcement Officer (Owen "Ozzie" Densk). It just happened in conversations with the CEO. He determined that we don't regulate pavilions and we don't regulate decks and that was basically why he didn't get a building permit for then.

There is a letter on file from the former Code Enforcement Officer dated May 9, 2011 stating that seasonal beer sales are allowed out of an 'outdoor gazebo', no Board approval was received. The current owner extended the gazebo by adding an outdoor bar and putting in an open deck/platform.

Karen continued...it was when Tim came on board that we requested the building permits.

Mr. Darcangelo questioned if it's still recognized as a pavilion and deck or do we change the classification to a building.

Karen stated that they're open sided, past practice has been that that doesn't constitute a building. It is a structure...all in interpretation I guess.

Mr. Darcangelo reiterated that under the current Code a building permit is not really required.

Karen concurred...it was Ozzie's determination that one was not required.

Al Yager, Town Engineer, stated that the bottom line is it's an existing site, it has been an existing site for over 50 years. The Onondaga County Planning Board made a comment about access control and meeting any mitigation requirements by the Onondaga County Department of Transportation being shown on the plan. The Planning Board can include in your resolution a contingency that owner provide a letter stating approval that he's met the mitigation requirements of the County Department of Transportation or the Board can pass it with a super majority without that stipulation.

That being said, 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 Onondaga County Planning Board recommends the following MODIFICATIONS to the proposed action prior to local board approval of the proposed action:

The applicant must contact the Onondaga County Department of Transportation to coordinate requirements for the existing access on Hayes Road, in order to satisfy commercial driveway standards, which may require delineating the existing commercial driveways. Any mitigation as may be determined by the Department must be reflected on the project plans prior to municipal approval.

The Board also offers the following comment:

Prior to municipal approval, the Town is advised to ensure all necessary permits and approvals have been obtained from the U.S. Army Corps of Engineers (USARCE) and/or NYS Department of Environmental Conservation (DEC) for any work on, in or above the Seneca River, which is a navigable waterway regulated by both agencies.

Mr. Yager continued stating that if you go back and look at the aerial imagery of the site there have been no changes to the driveway since the early 1980's. To say that he needs to change now, the County DOT should have said something way before now...35 years ago or so.

Mr. Kimball questioned if anybody has had any recent conversations with them, even though there hasn't been anything.

Mr. Bragman stated that they did send a gentleman out on September 6th at 10:28 a.m. in the morning. They said there is nothing we can tell you to do it. Your driveway is fine, it has been like that...we don't have any problems with it.

Mr. Yager stated that you can overrule them with a super majority and move on.

Mr. Lester questioned if the County said anything from the Health Department relative to any increase in occupancy...I'm concerned with the septic.

Mr. Yager stated that Jeff Till, Onondaga County Health Department, has been out to the site. It is my understanding that they have done extensive testing and they haven't found any deficiencies.

Karen stated that the septic was put in in the 1960's but Jeff indicated that there is nothing they can do about it unless there is a deficiency. The occupancy was increased when the bar extension was put in according to the Health Department.

Mr. Kimball questioned if there is adequate parking for the people you expect to be patrons.

Mr. Bragman concurred stating that the driveway...it's more than adequate now. Probably once or twice a year you may get more, but I have both huge barns that I can park them in.

Mr. Darcangelo questioned the parking...

There is a letter on file dated September 13, 2018, prepared by Al Yager, Town Engineer, that will be made part of the public record, in part:

I have completed my review of the site plan for the above. There is a letter on file from the former Code Enforcement Officer dated May 9, 2011 stating that seasonal beer sales are allowed out of an 'outdoor gazebo', no Board approval was received. The current owner extended the gazebo by adding an outdoor bar and putting in an open deck/platform. referenced project. Prepared by Applied Earth Technologies, dated April 18, 2018. The submitted plan indicates that there are 83 10' x 20 parking spaces available at the site. The current Town Code minimum size requirement for parking spaces is 9' x 18' resulting in 92 spaces being available in the areas shown on the site plan as submitted. In addition to the parking shown it would certainly be possible to place an additional row of parking perpendicular to Hayes Road west of the metal building that is perpendicular to Hayes Road which would result in an additional 18 spaces and total 110 spaces for the site. The parking requirement for the restaurant based on square footage by the Town Code is 24 spaces with one handicap space. In addition to the restaurant there are approximately 50 boat slips in the marina, however the Town Code does not specify a minimum number of spaces per boat slip. The total number of parking spaces available (110) minus the parking required for the restaurant (24) result in 86 spaces left for the existing boat slips which would appear to be more than adequate. At this time I would not be opposed to the Planning Board passing a resolution of approval for this site plan contingent on the owner providing a dedicated handicap parking space on the site for the restaurant.

Mr. Bragman stated that the whole front of the building is designated for handicap parking. That area is coned off.

Mr. Yager stated that putting a handicap parking sign up is adequate and you only need one.

Mr. Yager added that the likelihood that all boat slips being in use at the same time is zero.

Mr. Kimball concurred.

Mr. Yager stated that there would appear that there is more than adequate parking by the Town Code requirements at this time.

Mr. Darcangelo reiterated that 24 spaces are what's required for the restaurant.

Mr. Yager concurred.

Karen stated that our Code for the restaurant is 1 parking space for each 60 square feet of gross floor area for the restaurant; the standing area is something like 5 square feet per person according to the NYS Building Code.

Mr. Darcangelo stated that he's familiar with the location as he has been down there, but he has a general comment about the County's comment about controlled access out onto Hayes Road. An undefined entrance onto a roadway can be dangerous. It can lead to problems. Fortunately there's not much traffic there so I don't think it's probably ever created a problem in the past; but it's something that you may need to consider by chance if traffic volume picks up there. Right now you can pull out from various locations and that's just not a great practice. It's nice to have a controlled entrance onto... particularly a high speed road. I don't know what it is there, 30 or 45...

Mr. Bragman stated that it's 35 but I will say that anybody that's able to just pull out, they back out and they actually do go down and out the driveway entrance. For whatever reason that appears to be how everybody goes.

Mr. Darcangelo reiterated that there is something that does lead people to a single entrance.

Mr. Bragman concurred.

Mr. Kimball stated that he was there and he came in the far entrance and went out the other end. It would never occur to me to just pull out.

Mr. Yager stated that to some degree this is just a formality to recognize that it's an allowed use and it's in compliance with the Town Code requirements...it's been going on for ten years.

Mr. Darcangelo questioned if there was a time when it was questioned as to whether it was in compliance.

Mr. Yager stated that there were complaints from neighbors in the past and it's something that just became apparent. We just wanted to dot our i's and cross our t's and at least review it and put this to bed essentially.

Mr. Darcangelo questioned what is meant by a Controlled Site Use.

Karen stated that it's just a Site Plan...the Board can put any conditions and controls on it.

There was some discussion with regard to making the approval contingent upon the handicap spot being done.

Karen stated that you need a 5' clearance if it's a van and the door opens for a wheelchair to get out, so how wide does a handicap spot have to be?

Mr. Yager stated that it's the same dimension, you just have to have a minimum of 5' clear on one side.

Before any action is taken this evening, it was determined that any action would be in the name of the Corporation, Winds of Cold Springs Harbor, and not the applicant, Mark Bragman, as indicated on the application prepared by Stephen Sehnert, Licensed Land Surveyor.

RESOLUTION #2 -- Motion by Corey, 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 Winds of Cold Springs Harbor, 3642 Hayes Road, Baldwinsville, New York Controlled Site Use application.

6 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)? N/A
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?
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 Corey, 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 Winds of Cold Springs Harbor, 3642 Hayes Road, Baldwinsville, New York, Controlled Site Use application, the Planning Board issues a **NEGATIVE DECLARATION**.

6 Ayes -- 0 Noes

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

RESOLVED, that having reviewed a Site Plan as defined on a map dated April 18, 2018 prepared by Stephen Sehnert, Licensed Land Surveyor, associated with the application of Winds of Cold Springs Harbor, 3642 Hayes Road, Baldwinsville, New York, for a Retroactive Controlled Site Use Permit, to allow the operation of a Restaurant in accordance with Article X, Section 320-23, Paragraph B(8), the site plan is hereby approved, with the following modifications and conditions, if any:

- 1) installation of one handicap parking sign.

6 Ayes -- 0 Noes

Mr. Bragman thanked the Board for their time.

2. Controlled Site Use	Abear, James
Case No. 2018—009	2916 Belgium Road

James Abear, Abear Auto and Carmen Cesta, owner of property located at 2916 Belgium Road, were before the Board this evening for a Controlled Site Use for an Auto Repair Facility.

John Corey, Chairman, stated that on September 10, 2018, the Zoning Board of Appeals reviewed the application of James Abear and made the following FINDINGS & RESOLUTION:

FINDINGS:

An undesirable change in the neighborhood will not occur

Proposed use is sufficient to preserve the general character of the neighborhood and to safeguard the public health.

The use is not substantial and there will not be an adverse impact on the physical and environmental conditions.

Reasonable alternatives do not exist without impacting the surrounding community.

There is no opposition from the community.

RESOLUTION #1 -- Motion by O'Donnell, Second by Costanzo

RESOLVED, that the Zoning Board of Appeals grant to property located at 2916 Belgium Road, Baldwinsville, New York, a Special Use Permit to allow the operation of an Automobile Repair Facility, in accordance with Article XIV, Section 320-31, Paragraph B(1) and Article XVIII, Section 320-42 through 320-45, Paragraph A(1), Subparagraph (a) – (i) of the Lysander Town Ordinance.

5 Ayes -- 0 Noes

Karen Rice, Clerk, stated that she did not have James prepared another SEQR as one was done when he received approval for the Automobile Sales and it's on file.

Mr. Corey concurred, stating that an additional SEQR is not required.

Mr. Corey continued stating that he just has one question...when you get into the automobile repair business there's a good chance people are going to be coming there with cars up on trucks being brought there. Is that entrance wide enough for one of those trucks to get through there? I almost wanted to get out and measure it...it seems tight there.

Mr. Abear stated that every car he has there have been hauled in on flatbeds.

Mr. Cesta stated the tightest point of it is 16' and change. Further, when he bought the property a lot of materials and equipment were brought in on a flatbed. I would come down the road and pull up by the dumpsters and back up. When the we were remodeling the building we actually had close to ten tractor trailers come down there the way it is right now with the fencing and the dumpster and be able to come down, turn around and come back out.

Hugh Kimball stated that he was there yesterday and there was a truck in there.

Mr. Abear concurred stating that it looks tighter than it is. I've come in with a flatbed and another guy coming out at the same time and we went by each other.

Mr. Cesta added that he is working with Country Max to make a deal for the property between the two businesses. If I buy it I would try to delete that entrance and do a new one right off of 31, both in and out and up to Code.

Al Yager, Town Engineer, stated that was actually part of the site plan requirement for Country Max...one of the things that was required was that they could only have one entrance. You can tie into their parking lot and come across. You'd have to negotiate an access easement through them. That was a restriction the Board put on the approval. They did not want multiple entrances off of 31.

Karen Rice, Clerk, stated that that was the Board's condition but what if the State gives him another cut if he gets rid of the other one? I know it's pretty tough right there with the grade and all...

Mr. Yager stated that he doesn't know if they would.

Several talking at once.

Mr. Yager stated that you'd just have to negotiate an access easement through their parking lot.

Mr. Cesta stated that he could do that, or he's working with the State on different projects. If I told them I was getting rid of the one by the building maybe they would allow the other one.

Several members concurred, however Mr. Kimball stated that he wouldn't make the deal until you knew what they were going to say.

Steve Darcangelo stated that one of the things they might not like is the proximity of those two entrances on 31.

Mr. Yager stated that if you made one new entrance across from Loop Road and have Country Max come out that way too with a shared entrance that would probably be acceptable to them if

you deleted the existing entrance. You have a pretty steep grade there though. It would require quite a bit of earth work, fill, guide rail modifications and money.

Mr. Cesta stated that it's just something for him to think about, if it happens.

Mr. Corey stated that as long as the one you have is functional, we're good.

Mr. Cesta stated that he has been open for just over a year and he has been there a little less than that with no accidents or close calls that I know of.

Mr. Kimball stated that there were about 14 cars outside yesterday, obviously your business has gotten a little larger.

Mr. Abear stated that he had this discussion with the ZBA...I bought a package of cars at an auction where I got a good deal. I generally don't have that many. I am on lease for 12 for a maximum but I talked to Carmen prior to purchasing those and there wasn't a problem as long as it was a one-time thing.

Mr. Cesta stated that it's more of a Summer thing than a Winter thing...we're going to need more area to put the snow. I appreciate that he treats the property as his own and calls me to have me work with him. On another note I'd just like to assure everybody that it will never turn into a junkyard, 1) because I paid quite a bit for this property, and 2) I don't want anybody to think what it was before I purchased it. There won't be motors outside, cabs...it will look nothing like it did before I purchased it. I want to assure everybody that I am the landlord and if it turns into a problem we would have to have a discussion where he would have to clean it up or go.

Mr. Yager stated that he did not do a review letter on this because nothing on the site plan has physically changed. It's allowed by the Zoning Board of Appeals under a Special Use Permit and I didn't see the need to do another letter.

Mr. Kimball questioned signage...I don't have a concern with what you have right now, a sign hanging from the (existing post) and Carmen has a sandwich board on the other side. I'm just hoping that that's all the signs that there's ever going to be.

Mr. Cesta stated that there's also a sign on the fence. Between that and what's at the end of the road is more than enough for me and more than enough for James.

Mr. Abear stated that he too has one on the building. That is what Empire Golf Carts had there as well.

Mr. Cesta continued stating that there won't be any tire racks out front advertising tires. I discussed that with him as well...what he was going to do with the old tires. He has a company come in who takes the old tires as they bring new ones. We don't want 50 or 60 tires stalked on the side or in the back. I'm definitely on the same page as far as keeping the place nice.

Mr. Darcangelo questioned waste oil...how is that disposed of.

Mr. Abear stated that it's put in drums and there's a company that takes it away. We have discussed building some type of enclosure to lock it up in a secure area so that no accidents happen or someone doesn't come around and push a barrel over.

Mr. Darcangelo questioned if they were stored inside or outside.

Mr. Abear stated that they were told by the ZBA that they had to be stored outdoors.

Mr. Abear stated that he hasn't had any oil to date...

Mr. Yager stated that he knows the Petroleum Bulk Storage regulations pretty well...

Mr. Darcangelo stated that he's not bulk storage with a 55 gallon drum.

Mr. Yager stated that anything over 30 can trigger that...

Mr. Abear stated that he will never hit that number.

Mr. Darcangelo stated that his recommendation would be to stay away from it as much as possible. It needs to be controlled.

Mr. Yager concurred stating that if you go to 55 gallon drums you are supposed to have secondary containment and a berm by Part 360 Regulations so you probably want to use 30 gallon drums going forward. There's no requirement to keep them outside. You can keep them inside.

Mr. Abear stated that there will be less than 30 gallons.

Mr. Yager stated that 30 gallons is the max or you'd have to comply with the New York State Department of Environmental Conservation and the Petroleum Bulk Storage requirements.

Mr. Abear stated that he assumed he was not allowed to store much inside for fire reasons...

Mr. Yager stated that there's no restriction on that; at least not in the Part 360 regs.

Mr. Abear stated that he tries not to have any oil anyways, but it's good to know the number.

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

RESOLVED, that having reviewed a Site Plan as defined on a map dated January 30, 2018 prepared by Stephen Sehnert, Licensed Land Surveyor, associated with the application of James Abear, 2916 Belgium Road, Baldwinsville, New York, for a Controlled Site Use Permit, to allow the operation of an Automobile Repair Facility, in accordance with Article XIV, Section 320-31, Paragraph B(1), the site plan is hereby approved.

6 Ayes -- 0 Noes

Mr. Abear and Mr. Cesta thanked the Board for their time.

Joanne Daprano complimented the site, stating she takes her pet there. It's always very orderly, nice and lined up every time I'm there. It's organized and doesn't look dumpy back there.

Karen concurred stating that they take pride in their businesses.

IV. OTHER BUSINESS

1. Major Subdivision--Amendment White Tail Woods, Phase C Longbow Way

Al Yager, Town Engineer, stated that paper copies of the proposal are not available and we can't get the pdf's to print. The project engineer has a conflict this evening. If the Board wants to table this the applicant isn't in a big hurry.

Karen Rice, Clerk, stated that she provided 8 ½ copies with the Board's meeting materials which should be big enough for you to review.

Mr. Yager stated that basically they want to take the last twenty-eight (28) lots into two (2) phases. Section C-1 and C-2, this being C-1 with thirteen (13) lots and fifteen (15) lots in C-2.

Hugh Kimball questioned if that was all he was doing, breaking up what has already been approved.

Mr. Yager concurred, stating they are just amending the phasing.

Steve Darcangelo questioned the significance of phasing as far as the site plan.

Karen stated that it's normally for tax purposes.

Al Yager concurred stating that and they have not sold as fast in that development. I don't think he wants to have that number of lots in inventory on line the books for over a decade. They're building one or two houses in that development a year.

Mr. Kimball questioned if the 'non-paving' of the rest of the road affects travel or access.

Mr. Yager stated that if the Planning Board chose they can say they want them to construct a temporary access road so that you don't have a cul de sac situation which would be through what would be Phase C-2 to allow for emergency egress. Previously we have allowed up to sixty (60) homes in a situation like that. He's going to be well less than that...it's really at the Board's discretion.

Mr. Darcangelo questioned if the roads get dedicated before the next phase.

Mr. Yager stated that they do not. We do a temporary access easement with the filing of the map for Phase C-1.

Mr. Darcangelo questioned how they plow...is there a hammerhead.

Mr. Yager concurred.

Karen stated that the hammerhead is shown on page 2 between the last two (2) lots.

Mr. Yager stated that it's not a huge change to the preliminary plat, he just doesn't want to put twenty-five (25) lots on line at the same time.

Mr. Kimball questioned the full distance...if this is a cul de sac, how long would it be.

Mr. Yager stated that Phase B had twenty-one (21) lots in it, so approximately thirty-four (34) lots on what would be a dead-end. We don't have the exact footage for you....

Mr. Kimball reiterated thirty-four (34) on both sides of the street...so seventeen (17) on each side. We've had bigger than that.

John Corey, Chairman, stated that he's not sure a bigger map would do anything different. Everything is fairly clear.

Mr. Yager concurred stating that it's just one of those things that they wanted to take care of before they came to you with a final plat.

Board members concurred that they don't have a problem with going forward.

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

RESOLVED, that the Planning Board having reviewed White Tail Woods, Section C, originally approved for twenty-eight (28) lots, authorizes the phasing of the project into two (2) phases, Section C-1, thirteen (13) lots and Section C-2, fifteen (15) lots, as shown on a plan prepared by TDK Engineering Associates, P.C., dated June 15, 2018.

6 Ayes -- 0 Noes

2. Major Subdivision	Timber Banks
Waive Hearing/Sign Plat	Lot 33, 3466 Long Shadow

Al Yager, Town Engineer, stated that there has been no change with the lot configuration that was approved during Preliminary Plat approval. It's an existing lot that they want to get final plat approval for to be able to sell it. Again, these lots have been in inventory for over ten (10) years, so I can understand why the developer is doing it this way. There's only eight (8) or nine (9) left that are like that on Long Shadow. He filed the Final Plat for Section 3, Phase 2 all at once, all nineteen (19) lots and it seems like he is getting away from that.

Steve Darcangelo questioned if the purpose has to do with property tax value.

Mr. Yager concurred.

Mr. Darcangelo stated that legally he can do it....

Mr. Yager concurred stating that there's no restriction in the Town Code.

Mr. Darcangelo stated that his question may not be even be a discussion for this Board, but why is the assessment any different based on this approval. It's a piece of property that has approval on it. Why is the assessment any different when the site plan is approved or when the final plat is approved. It seems to me that the Assessor should be allowed to assess it as they see the market value of that property.

Mr. Yager stated that there is apparently a difference. It's still considered undeveloped piece of property.

Karen Rice, Clerk, added that it's considered undeveloped residential property as part of a five (5) acre piece, not a \$125,000 residential building lot...that's what he's getting for some of those lots. That's a substantial house for a lot that price.

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

RESOLVED, that the Planning Board authorizes the Chairperson to review the Final Plat for the one (1) lot subdivision application of Timber Banks, for property located at Timber Banks, Lott 33, 3466 Long Shadow, Baldwinsville, New York, Part of Farm Lot No. 82 and Part of Tax Map No. 072.01-03-36.2 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.

6 Ayes -- 0 Noes:

3. Major Subdivision	Pompo Woods, Section 2
Waive Hearing/Sign Plat	Doyle Road/Mocha Bear Path

John Corey, Chairman, stated that he assumes that we have the same situation as the prior application in the sense that what we're dealing with is consistent with the Preliminary Plat approval.

Al Yager, Town Engineer, concurred stating that they just want to file their Final Plat. They have to post securities and the Town Board has to take dedication for sewer and drainage, but that's upcoming, so any approval would be contingent on that taking place.

William Lester questioned if that would be incorporated in the Resolution.

Mr. Yager stated that you could make it contingent upon the Town taking dedication to the Sanitary Sewers and Storm Sewers.

Hugh Kimball questioned the age of this subdivision.

Karen Rice, Clerk, stated that it started in 1988 as that's the year I came. It's part of a Major Subdivision, this is Section II. Section I was approved for eleven (11) lots.

Mr. Kimball questioned if there are any rule changes that would affect the area.

Mr. Yager stated it's certainly an interesting situation. It is part of a Major Subdivision, so these three lots will be on a private drive, which are allowed in major subdivisions. It's certainly an interesting development. The big reason I feel the major portion of the development hasn't been developed is because you have to construct almost 750' of road with no houses on it; which drives the infrastructure costs through the roof when you include sanitary sewers, gas and electric. You can never get the value out of the lots to recoup your investment out of the first phase. I've told this to the developer and he is considering coming in for an amended Preliminary Plat approval for the main portion of the subdivision using a Cluster concept, which would allow him to narrow the lot frontages and hopefully get to a point where it is financially sustainable development for somebody.

Mr. Kimball questioned if there are any DEC rule changes, wetland changes, etc...

Mr. Yager stated that they still have an active SWPPP, they've paid up on all of their DEC fees. There are no wetlands on this portion of the site...it's one of those ones that has been hanging around for...

Karen: 30 years!

Mr. Yager stated that we did request them to put in a pressure sewer system because this is down gradient from Doyle Road, so there's a 2" Force Main with lateral kits to each house so that if sewers ever come to Doyle Road they can be tied in with grinder pumps to each home. The houses will be constructed with septic systems.

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

RESOLVED, that the Planning Board authorizes the Chairperson to review the Final Plat for the three (3) lot subdivision application of Pompo Woods, for property located at 3535 Doyle Road, Baldwinsville, New York, Part of Tax Map No. 071.-02-46.1 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, contingent upon the Town Board taking dedication of the Sanitary Sewers and Storm Sewers.

6 Ayes -- 0 Noes

4. Info Only—Density Requirement YMCA of Greater Syracuse Property
3285 Belgium Road

Al Yager, Town Engineer, stated that the YMCA requested a meeting with me, the Town and Supervisor, Bob Ellis, Town Councilman back in the beginning of August. There were some rumors going around that there was some limits of what that site can be developed based on the number of units per acre in the original Radisson Community Offering Plan; which is just not true. There's currently 2961 residential units in Radisson. The Offering Plan included a total of 5500 total units. There are only two (2) residential parcels remaining in Radisson to be developed. They could build the Empire State Building on the corner of Drakes Landing and NYS Route 31 and not hit the 5500 unit threshold. That really is not a constraint on the site. They were looking for reassurance from the Town that that wouldn't be a concern. In the letter to the YMCA we simply spelled out that there are strict development controls, but density based on the number of units per acre will not be a concern and that the project will only be limited by the Radisson Residential Building Controls and the Lysander Code. Further, the site would be reviewed based on:

- Stormwater Management Plan
- Parking
- Trail construction from Oak Brook Road to Kerry Hornaday Park
- Building setback requirements and landscape buffer
- Wetlands and the steep slopes on the existing site.

Those are what's going to limit how many units you will get on the site more so than any existing density within the Radisson Community. With that being said, Bill Lester, on behalf of the RCA, Jack Corey, Chairman to the Planning Board and I sat down and came up with this letter. Bill

spoke with the RAC attorney and he didn't think it was appropriate for the RCA to sign on to the letter. So, Bill's name came off and it was suggested that even the Planning Board Chairman's name come off and have it come from the Town Board since they are the ones who adopt the (Radisson) General Project Plan and the Town Code. We will more than likely be taking this letter back to the Town Supervisor for signatures with slight modifications that you have to go before the Radisson Community Association and the Planning Board with the above referenced requirements that they will have to meet.

William Lester, on behalf of the RCA, stated that the Radisson attorney's concern was that there may be some verbiage in the letter that would restrict our review; which will always be in accordance with the Covenants, Conditions of the Declaration, General Project Plan and the Residential Development Controls, all of which the YMCA has in their possession and has had since they bought the property. I'm a little concerned why the YMCA thinks there is something holding them back. They have everything they need in terms of...

Mr. Yager stated that he really thinks it is a rumor. Somebody got something in their head and they feel....

Mr. Lester stated that in my opinion it's up to RCA to sell their property and that means they have to do some marketing to do it and they have to be truthful about it and anybody who buys it has to know that the conditions are going to be the same for anybody to develop within a PUD. It's as simple as that.

Hugh Kimball stated maybe not...at the time of the entity that owned the property it was in the documents as to what could be constructed and it was single family homes.

Karen added...single and multi-family.

Mr. Lester and Mr. Yager concurred.

Mr. Kimball stated that that is the one thing that maybe should be in this...how it was originally done when it was deeded to the YMCA.

Mr. Lester stated that the Y also knows...because they went through the Supreme Court. There's a twelve (12) page document from the Supreme Court from their findings from February 2013, which make it very clear that that property is for development of single or multi-family homes. It's probably in there at least a dozen times.

Mr. Kimball stated that as long as everybody is aware of that...

Mr. Corey stated that the real purpose of their request which led to the drafting of the letter was just a question about the density. The answer is there is no issue with regard to that.

Mr. Yager concurred stating that it would be a substantial amount of work for the Town to actually prepare a density study...

Mr. Corey concurred stating that all of the other stuff was put in there to give them a full picture of what restrictions they might face if they come forward.

V. ADJOURN

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

RESOLVED, that the September 13, 2018 regular Planning Board meeting adjourn at 7:58 p.m.

6 Ayes -- 0 Noes

Respectfully submitted,

Karen Rice, Clerk