

TOWN OF LYSANDER  
PLANNING BOARD MEETING  
8220 LOOP ROAD  
Thursday, June 13, 2019 @ 7:00 p.m.

The Town of Lysander regular Planning Board meeting was held Thursday, June 13, 2019 at 7:30 p.m. at the Lysander Town Building, 8220 Loop Road, Baldwinsville, New York.

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

MEMBERS ABSENT: Keith Ewald

OTHERS PRESENT: Richard Schader; Frank Costanzo, ZBA; Dough Reith, CNY Land Surveying; Mark Harrison, Belgium Cold Springs Fire Department; Jim Phelps; DJ Stachurski; Jim Stirushnik, James Trasher, Clough Harbor and Karen Rice, Clerk to Planning Board

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

I. PUBLIC HEARING -- 7:01 p.m.

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| 1. Minor Subdivision<br>Case No. 2019—003 | Phelps, James<br>8825 Dinglehole Road |
|-------------------------------------------|---------------------------------------|

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

Jim Phelps stated that he was here on behalf of himself and his parents, Ralph and Jeanette Phelps to apply for a Minor Subdivision for property located at 8825 Dinglehole Road.

Karen Rice, Clerk, stated that if you recall at the last meeting he had to get rid of that boundary line behind his property and join it with the remnant piece and remove that triangular piece at the road. Both of those things have been done.

Mr. Corey concurred stating that he has cleaned it up

The Public Hearing closed at 7:03 p.m.

PUBLIC HEARING -- 7:05 p.m.

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| 2. Minor Subdivision<br>Case No. 2019—005 | Allen, Josh<br>400 West Genesee Road |
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The Public Hearing opened at 7:03 p.m.

Doug Reith, CNY Land Surveying, represented the applicant stating that basically we're taking 86 acres and cutting it into two (2) lots. Lot No. 2 is 22 acres and contains the old Plainville Turkey Farm barns on them. They are being sold off as turkeys are no longer raised in them. The present owner is going to retain Lot No. 1 which is on both sides of Tater Road. Lot 2 does have water and sewer.

John Corey, Chairman, questioned if Lot 1 was going to remain under agriculture.

Mr. Reith concurred.

Steve Darcangelo questioned if Tater Road was a public road.

Karen Rice, Clerk, stated that it is a Town road but it did go to County for their review. The County Findings Statement is in the file.

There was some discussion with regard to the same lot being divided by a road; which happens a lot.

Gentleman: What will the use of the lot being sold be for...is it commercial, agricultural?

Mr. Reith stated that he doesn't know what they're going to do with it as far as the lot; we just do the survey work on it. You could contact the Allen's and ask them.

William Lester stated that the application indicates that it will be agricultural for Lot 1 and storage for Lot 2.

Karen added that it can only be personal storage. They would have to come before the Board for any approval for storage units.

Mr. Darcangelo stated that the zoning doesn't change as a result of the subdivision, the zoning stays the same. For the record, there's an existing discharge on what's going to become Lot 2 that discharges right at the property line. When these become new parcels that may be an illegal discharge in that it's a point-source discharge from one parcel to another. That might need to be modified. The Lot 1 owner would have the right to contest that discharge in the future I suppose. As long as that's understood I think its fine. I wouldn't have an objection to the way it is now, but the Lot 2 owner may someday have to put a spar, bar or do something to eliminate that as a point-source.

The Public Hearing closed at 7:10 p.m.

## II. APPROVAL OF MINUTES

Review and approval of the minutes of the May 9, 2019 regular Planning Board meeting will be tabled until the July 11, 2019 Planning Board meeting.

## III. OLD BUSINESS

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|-------------------------------------------|---------------------------------------|
| 1. Minor Subdivision<br>Case No. 2019—003 | Phelps, James<br>8825 Dinglehole Road |
|-------------------------------------------|---------------------------------------|

John Corey, Chairman, state that the applicant has done what the Board asked as discussed at the last Planning Board meeting.

*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 and may consequently be acted on solely by the referring board.***

***There is a letter on file dated June 13, 2019, prepared by Al Yager, Town Engineer, that will be made part of the public record, in part:***

***I have completed my review of the above referenced minor subdivision prepared by Warren Ramie Surveying, dated March 18, 2019. Overall it appears that the site conforms to all applicable Town Code requirements. 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 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 and may consequently be acted on solely by the referring board.

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

### RESOLUTION #1 -- 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 James Phelps, on behalf of Ralph & Jeanette Phelps, for property located at 8825 Dinglehole Road, Baldwinsville, New York, Tax Map No. 030-02-06.1, as shown on a made dated March 18, 2019, prepared by Warren Ramie Surveying, is hereby approved.

6 Ayes -- 0 Noes

**RESOLUTION #2** -- Motion by Corey, Second by Beachel

RESOLVED, that in granting a subdivision to James Phelps, on behalf of Ralph & Jeanette Phelps, for property located at 8825 Dinglehole Road, Baldwinsville, 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.

0 Ayes -- 6 Noes

There is an existing home on Lot 1 and the remnant piece is being conveyed to an existing lot with a residence.

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. Phelps thanked the Board for their time.

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| 2. Minor Subdivision | Allen, Josh           |
| Case No. 2019—005    | 400 West Genesee 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 implication. The Board has offered the following COMMENT in regard to the said referral:***

***The Board encourages the Town to consider the potential long-term effects of land fragmentation, large-lot, strip subdivision along road frontages, and division of farmsteads and farmlands onto separate lots on the economic viability of agricultural lands, 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 June 13, 2019, prepared by Al Yager, Town Engineer, that will be made part of the public record, in part:***

***I have completed my review of the above referenced minor subdivision prepared by Warren Ramie Surveying, dated March 18, 2019. Overall it appears that the site conforms to all applicable Town Code requirements. 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 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 COMMENT in regards to the referral:

The Board encourages the Town to consider the potential long-term effects of land fragmentation, large-lot, strip subdivisions along road frontages, and division of farmsteads and farmlands onto separate lots on the economic viability of agricultural lands, 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 #3** -- 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 Josh Allen, for property located at 400 West Genesee Road, Plainville, New York, Tax Map No. 034-02-02.1, as shown on a made dated May 1, 2019, prepared by Douglas Reith, CNY Land Surveying, is hereby approved.

6 Ayes -- 0 Noes

**RESOLUTION #4** -- Motion by Corey, Second by Beachel

RESOLVED, that in granting a subdivision to Josh Allen, for property located at 400 West Genesee Road, Plainville, 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.

0 Ayes -- 6 Noes

Both parcels are zoned Agricultural, in an Ag Taxing District and will remain under agriculture.

Mr. Reith thanked the Board for their time.

IV. **NEW BUSINESS**

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|-------------------------------------------|------------------------------------------|
| 1. Minor Subdivision<br>Case No. 2019—006 | Schader, Richard<br>7326 Cross Lake Road |
|-------------------------------------------|------------------------------------------|

Rick Schader stated that he'd like to take his father's old house and divide it off of the farm that he now owns with the intent to sell the home.

John Corey, Chairman, questioned if there is a buyer for it or it was just the applicant's intent.

Mr. Schader stated that it's just his intent at this time.

Hugh Kimball stated that you're carving out Lot 2.

Mr. Schader concurred.

Mr. Corey stated that basically you're just creating a lot.

Mr. Schader stated that the home was built on the farm back in the 60's and I have no use for the house anymore...keeping the farm, but selling the house.

Mr. Corey assumed it has an existing well and septic system.

Mr. Schader concurred.

Mr. Kimball questioned if it was all contained within the boundary of the new lot.

Again, Mr. Schader concurred.

Steve Darcangelo posed a question to the surveyor as to whether or not there was any evidence of where the septic system is.

Doug Reith, CNY Land Surveying, stated that if you look at the southside of the house you can see the clean-out. It turns and heads to the east. There is no real clear evidence of it.

Mr. Darcangelo questioned if you're comfortable that it stays on that yet.

Mr. Reith stated that he can give Jeff Till, Onondaga County Health Department, to verify if they have anything on file. I'd be surprised if they do from 1960.

Mr. Darcangelo stated that he assumes the barns are zoned Agricultural and they're ok by themselves with the setbacks as shown...it shows 57 feet from the property line..

Karen Rice, Clerk, concurred, stating that in that zone it would be 20' but farms are exempt are exempt from dimensional regulations.

Mr. Darcangelo stated that that's an interesting jog between the two parcels across the street.

Mr. Schader stated that that's a separate parcel.

Mr. Reith concurred stating that there are five different parcels that make up the farm. The one to the west is roughly 90 acres, this one and another piece going to the east.

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

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 Richard Schader, 7326 Cross Lake Road, Memphis, New York Minor Subdivision 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? 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 #6 -- 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 Richard Schader, 7326 Cross Lake Road, Memphis, New York, Minor Subdivision application, the Planning Board issues a NEGATIVE DECLARATION.

6 Ayes -- 0 Noes

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

RESOLVED, that a Public Hearing be held at a date and time designated by the secretary, on the application of Richard Schader, for a subdivision of property located at 7326 Cross Lake Road, Memphis, New York, Tax Map No. 0036-02-12.3, for a development of two (2) lots from a parcel of approximately 27 acres.

6 Ayes -- 0 Noes

Hugh Kimball noted that there are National Wetlands on both Lots 1 and 2, however it has no impact to anything that Mr. Schader is proposing.

Mr. Schader thanked the Board for their time.

V. OTHER BUSINESS

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| 1. Major Subdivision          | Giddings Crest, Section C-7H |
| Waive Hearing/Sign Final Plat | Lot 49, Hourglass Lane       |

Karen Rice, Clerk, stated that this is the last lot in the Giddings Crest Subdivision and then it's built-out.

***There's a letter on filed dated June 13, 2019, prepared by Al Yager, Town Engineer, that will be part of the public record, in part:***

***I have reviewed the developer's Final Plat as prepared by lanuzi & Romans Land Surveying, P.C., dated May 10, 2019. Lot 49 has not been modified from the preliminary plat for the subdivision that was previously approved by the Planning Board. At this time I would not be opposed to the Planning Board granting approval of the final plat of the Giddings Crest, Section C-7H subdivision.***

RESOLUTION #8 -- 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 Heritage Homes, for property located at Lot 49. 381 Hourglass Lane, Giddings Crest, Section C-7H, 2, Part of Farm Lot No. 67 & 68, and Part of Tax Map Number 055.1-01-34.0 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

Hugh Kimball questioned if the park fees have already been received.

Karen Rice, Clerk, stated that the developer of Giddings Crest dedicated land and were not obligated to pay park fees.

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| 2. Major Subdivision          | Collington Pointe East/Copper River |
| Waive Hearing/Sign Final Plat | Lots 50 – 62, Chillingham Way       |

***There is a letter on filed dated June 13, 2019, 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 above referenced major subdivision as prepared by Ianuzi & Romans Land Surveying, P.C., dated September 20, 2019. The final plat does not reflect any dimensional changes to lots included in Phase 1 when compared to the preliminary plat for the subdivision that was previously approved by the Planning board. It should be noted that the approved preliminary plat for Phase 1 of the project also included Lots 63 – 67 which have been omitted from the final plat as submitted. At this time I would not be opposed to the Board waiving the final public hearing and authorizing the chairman to sign the final plat with the understanding that the developer will be requesting approval the remaining lots in Phase 1 of the project at a later date.***

John Corey, Chairman, stated that there are some unresolved issue with regard to this matter as it pertains to certain fees...in lieu of fees. There was a meeting that was scheduled for 3:00 p.m. today with the Town and the parties to discuss and hopefully resolve this issue but the meeting had to be postponed until Monday. If we were to move forward with this authorization we would have to condition it upon the resolution of that issue.

Steve Darcangelo questioned why Lots 63 through 67 were omitted?

James Trasher, Clough Harbor, stated that the developer is just not filing those at this time. They were included in the Preliminary Plat but are not part of the contracts we have at this time.

Mr. Darcangelo questioned if it's this Board's right to waive fees in lieu of land for public use.

Karen Rice, Clerk, stated that yes it is, but since it's in Incentive Zoning...

Mr. Corey stated that it has to go to the Town Board.

Karen... the fees were negotiated with the Town Board. What they negotiated, does that negate us assessing \$350/lot for fees in lieu of land for public use.

Mr. Darcangelo reiterated that someone from this Board should have been in those negotiations.

Karen stated that Jack was representing the Planning Board.

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

RESOLVED, that the Planning Board authorizes the Chairperson to review the Final Plat for the twelve (12) lot subdivision application of Bella Casa Builders, Collington Pointe East/Copper River, Part of Farm Lot No. 89 and Part of Tax Map Number 073.1-01-40.3 and 073.1-01-41.0, more particularly Lots 50 through 62, Chillingham Way 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 sign the Final Plat, conditioned upon:

- 1) Fees assessed by the Town Board as part of the Incentive Zoning application and Fees in Lieu of Land for Public Use are resolved.

6 Ayes -- 0 Noes

Mr. Trasher thanked the Board for their time.

VI. **ADJOURN**

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

RESOVLED, that the June 13, 2019 regular Planning Board meeting adjourn at 7:43 p.m.

Respectfully submitted,

Karen Rice, Clerk