

PLANNING BOARD MEETING
Thursday, September 17, 2015 @ 7:00 p.m.
8220 Loop Road
Baldwinsville, NY 13027

The special meeting of the Town of Lysander Planning Board was held Thursday, September 17, 2015 at 7:00 p.m. at the Lysander Town Building, 8220 Loop Road, Baldwinsville, New York

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

OTHERS PRESENT: Al Yager, Town Engineer; Tim Frateschi, Planning Board Attorney; Tim Wolsey, Code Enforcement Officer; Mike Connors, Applied Earth Technologies; Bob Geraci, Town Board; Michael D'Arrigo; Mario D'Arrigo; Ron Merle; Dan Barnaba; Bob Clark; Frank Costanzo, ZBA; Vincent Kearney, Belgium Cold Springs Fire Department; Jim Stirushnik; Julian Clark, Plumley Engineering

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

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

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| 1. Minor Subdivision | Coulter, Edward |
| Case No. 2015—011 | 769 Sprague Road |

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

Mike Connor, Applied Earth Technologies, represented the applicant stating that he owns approximately 30 acres on Sprague Road. He would like to subdivide out a 200' x 400' parcel to allow the construction of a single family residence in the southwest corner of the property. The property is zoned Agricultural and is in an Agricultural Taxing District. Percolation tests have been performed with adequate results shown on the plan. The remnant piece contains his residence, out-buildings and is under agricultural.

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

II. APPROVAL OF MINUTES

Review and approval of the minutes of the August 13, 2015 special Planning Board meeting.

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

RESOLVED, that the minutes of the August 13, 2015 special Planning Board meeting be approved as submitted.

7 Ayes -- 0 Noes

III. OLD BUSINESS

1. Minor Subdivision
Case No. 2015—011

Coulter, Edward
769 Sprague Road

There is a letter on file from Al Yager, Town Engineer, dated September 17, 2015, that will be made part of the public record, in part:

I have completed my review of the proposed minor subdivision. 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 at this time. The owner will need to obtain a driveway permit from the Highway Superintendent prior to starting construction of a driveway for Lot 1.

This application was forwarded to the Onondaga County Planning Board for their review and recommendation. Their recommendation will be made part of the Findings.

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. Per the Onondaga County Department of Transportation, the Town and applicant are advised that access to Sprague Road for proposed Lot 1 will be determined by the availability of sight distance, and the applicant is required to obtain a permit for any proposed driveways and prior to any proposed work within a county road right-of-way.

2. The Board encourages the Town to carefully consider the potential long-term effects of subdividing road frontage lots within rural areas, including areas containing New York State Agricultural District properties and in farm/agricultural zoning districts, as it can have negative effects on agricultural viability, scenic viewsheds and habitats, and road safety and mobility. Gradual changes in area character can also lead to increased local government spending on infrastructure and service provision to new areas.

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

RESOLUTION #2 -- Motion by Allen, 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 Edward Coulter for property located at 769 Sprague Road, Memphis, New York, Part of Farm Lot No. 92 and Tax Map No. 043.-01-07, as shown on a made dated August 6, 2015, prepared by Stephen Sehnert, Licensed Land Surveyor, is hereby approved.

7 Ayes -- 0 Noes

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

RESOLVED, that in granting a subdivision to Edward Coulter for property located at 769 Sprague Road, Memphis, New York, the Planning Board invokes its right to impose a fee of \$150.00 per lot for one (1) lot in lieu of land for the development of parks, playgrounds, recreation or open land areas in the Town.

7 Ayes -- 0 Noes

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. Connor thanked the board for their time.

IV. NEW BUSINESS

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| 1. Major Subdivision | The Timbers, LLC |
| Waive Hearing/Sign Final Plat | Section 1B, Lot 37 Long Shadow |

Al Yager, Town Engineer, stated that representation was not able to attend this evening. This application is part of Timber Banks, Section 1B. The roads and all utilities are in and have been dedicated. Due to slow lot sales the developer has been filing the final plat when he has a buyer. He has a buyer for this particular lot, Lot 37. There is no change to the Preliminary Plat nor to the dimensions to the lot. It's more of a formality to allow him to file the map for one lot.

James Hickey questioned if they were going to do this with every lot.

Mr. Yager stated that yes, unless they have an influx of buyers.

Mr. Hickey questioned if it costs the Town more money to do it this way.

Mr. Yager stated that it costs the Developer more money doing it this way, which comes out of their escrow account. I believe it's a tax savings to the developer.

Tim Frateschi, Esq., concurred stating that if the plat was filed for all of the lots you'd have to pay taxes on each lot, this is a cost savings for the developer.

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

RESOLVED, that the Planning Board authorizes the Chairperson to review the Final Plat for one (1) lot for property located at The Timbers PUD, more particularly Lot 37, Long Shadow Drive, Baldwinsville, New York, Part of Farm Lot No. 88 and Tax Map Number 072.1-03-36.1, which is part of the twenty-one (21) lot Preliminary Plat that was approved 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

V. OTHER BUSINESS

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| 1. Major Subdivision | Highland Meadows, Phase 2 |
| Waive Hearing/Sign Final Plat | Mercer Street/Giddings Trail |

Mario D'Arrigo and Michael D'Arrigo, represented Highland Meadows Development LLC, stating that they've pretty well sold out Phase 1 and started on Phase 2 last Fall which consists of twenty-nine (29) lots. Letters of Credit are on file with the Town, roads and utilities have been dedicated to the Town. Six or seven lots from this section have been sold. We are before the board this evening to ask that the board waive the public hearing on the Final Plat and authorize the Chairman to sign same.

Al Yager, Town Engineer, stated that there will be one change before this map is finalized; due to Giddings Trail being in Giddings Crest and there being a gap between Mercer Street and the existing Giddings Trail Onondaga County 911 is working on changing the name of the street. Right now the proposed name is Afternoon Drive, but it has to go through the process of County 911 as could be an issue with First Responders potentially going to the wrong development.

Hugh Kimball stated that we have had that happen before.

Mr. Yager concurred and stated that we want to avoid that.

Mr. D'Arrigo stated that the Chairman will have the correction when it's made.

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

RESOLVED, that the Planning Board authorizes the Chairperson to review the Final Plat for the twenty-nine (29) lot subdivision application of Highland Meadows Development, LLC for property located at Highland Meadows, Mercer Street/Afternoon Drive (GiddingsTrail), Baldwinsville, New York, Part of Farm Lot No. 78 & 79 and Tax Map Number 49.2-03-6.1 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

The D'Arrigo's thanked the board for their time.

2. Major Subdivision Amendment Crimson Ridge, Phase III
Samantha Drive

Dan Barnaba, Eldan Homes, stated that he was recently before the board with this map amendment. Since that time we've ran into utility conflict. It's the same section of lots, two flaglots that were previously approved, with a 30' wide driveway that is shared by two homeowners. We're about to begin construction on a home on one of the back lots when we learned that the utility company placed their transformer and other utilities (Verizon, Time Warner, Gas Services), right in the middle of the two lot lines making it impossible to split the two lots with the driveway...National Grid charges \$25,000 to \$30,000 to move a box these days and the delay would be weeks, if not months. An alternative was to make some lot line adjustments, basically going around the box on the northern side. We feel we can make this work for prospective homeowners. Typically driveways are about 12 to 15' wide where they meet the blacktop. An angular lot line has been established for Lots 82A with 7' of frontage and 83A with 23' of frontage.

Al Yager, Town Engineer, stated that according to the NYS Building Code you're required to have 15' of frontage for each lot.

There is a letter on file from Al Yager, Town Engineer, dated September 17, 2015, that will be made part of the public record, in part:

I have completed my review of the lot line adjustment. I would like to point out that the revised lot line between Lots 82B and 83B is not perpendicular to the right-of-way and it will result in a frontage less than the 15' for Lot 83A, which is required by the NYS Building Code. Lot lines not perpendicular to the ROW are permitted with Planning Board approval under the amended subdivision regulations adopted in June 2015. This would be an instance where having a non-perpendicular lot line may be appropriate however the 15' frontage requirement will not be met. I would have no objections to the Planning Board authorizing eh Chairman to sign the revised map once the map is revised to meet he required 15' frontage requirement for Lot 83A.

Mr. Barnaba reiterated that Mr. Yager would like to see that shifted 8'. There's also a path being constructed, so I'll have to see how much room there is to move this line (indicating on plan) as well. Plans will be redrawn for the Engineer's review prior to the Chairman signing off.

Tim Frateschi, Esq., questioned if there's going to be a cross easement between the lots.

Mr. Barnaba concurred, stating that the shared driveway agreement is all drawn up and in the hands of the first buyer. Further, all necessary cross easements and driveway agreements will be filed with the Onondaga County Clerk's Office.

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

RESOLVED, that the Planning Board authorizes the Chairperson to review the Final Plat for the (18) lot subdivision application of Eldan Homes for property located at Eldan Homes @ Radisson, Phase 3 (B) Amended (Crimson Ridge), Part of Farm Lot No. 82 and Part of Tax Map No. 075-03-24.1 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 once revised showing the appropriate 15' road frontage.

7 Ayes -- 0 Noes

Mr. Barnaba thanked the board for their time.

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| 3. Major Subdivision | Talamore Subdivision |
| Waive Hearing/Sign Final Plat | Lots 8 & 13 Talamore Way |

Al Yager, Town Engineer, stated that James Trasher, Project Engineer, Cough-Harbour, was not able to attend this evening. The developer is asking for Final Plat approval for two lots, again for tax savings purposes. He isn't doing this one lot at a time, he came in for six last Fall and he wants two now.

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

RESOLVED, that the Planning Board authorizes the Chairperson to review the Final Plat for the Talamore Subdivision, Section 2 application of Bella Casa by Alberici, for property located at Lots 8 & 13 Talamore Way, Baldwinsville, New York, Farm Lot No. 89 and Part of Tax Map No. 073.01.-07-02.4 and finding that all modifications and conditions have been met; 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.

7 ayes -- 0 Noes

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| 4. Town Board Recommendation | Cabbage Patch Partners |
| Incentive Zoning | Whispering Oaks, Section 4 |
| | 8185 Emerick Road |

Julian Clark, Plumley Engineering, represented Dr. Robert Clark, Cabbage Patch Partners, LLC, prepared a narrative of the Incentive Zoning application for Whispering Oaks Subdivision – Section 4, dated July 2015. Copies of which were sent to the board.

Mr. J. Clark stated that the property lies between the Whispering Oaks Subdivision and Emerick Road. We are proposing a single family subdivision while utilizing the Incentive Zoning regulation which just came in to affect. A presentation has already been made to the Town Board. As part of the Incentive Zoning process the application requires a recommendation from the Planning Board and Zoning Board of Appeals. We are seeking a positive recommendation from this board with a brief statement to be made by Dr. Clark before I get into the details of the plan.

Robert Clark, Developer, stated that this project was originally designed in 1989 by Bob Bitz as an extension of Emerick Heights. I view this development as a project of consideration. The first consideration is for the existing development to the west, Whispering Oaks. We intend to provide high-quality homes that will be reasonably harmonious with the existing development. The second consideration is for the CLUP (Comprehensive Land Use Plan). In this area the best way to reduce the sprawl of development that can encroach on valuable farmland to the west is to provide a project that does exactly what we propose. We will be preserving farmland, retaining open space by reducing the size of the lots from one acre to one-half acre. We will provide more residences in a reduced amount of land while maintaining a development that will be considerate of the existing Whispering Oaks Development. Another consideration is for the Town of Lysander. We are aware that development of one acre lots per residential housing makes it difficult for the Town to maintain and eventually replace roadways based on yearly tax payments. The incentive zoning proposal is another consideration and we have proposed a fee payment to be used by the Town of Lysander. We are doing everything we can to keep everybody happy. We are obviously a small development. We've taken note of thoughts to reduce the number of lots and include open space or amenities in the parcel. To do this for a small parcel would not be considerate of the Land Use Plan the Town of Lysander or eventually the entity who maintains this inclusion. I understand this concept for a large development such as Timber Banks or the proposed Peninsula project. I live in Radisson which was planned to accommodate 3500 dwellings on a 4 ½ square mile site. I understand it there also. Our site is well thought out to appeal to our house buyers and being considerate to all concerned.

Mr. J. Clark added that the idea of Incentive Zoning is to provide some benefit back to the Town and in return we (unclear)...in this case we hoping to get additional density by going smaller lots than what the property is zoned, AR-40 (40,000 square foot building lots) with our lots being sized for R-20 (20,000 square foot building lots). The preliminary layout with the AR-40 zoning would net 22 lots; going with the R-20 layout we can get up to 37 lots. What this means for the Town in the terms of benefit is in the narrative, we can go through those if you want, but that's what was kind of agreed upon with the Town Board in our meeting with the Town Engineer. If you look CLUP, more particularly, Incentive Zoning, it lays out three things that the Planning Board is supposed consider as part of their recommendation:

1. The suitability of the site(s) for the type of open space preservation, sewer, roadway or other amenities proposed the physical characteristics of the land, and the relation of the proposed development to surrounding existing and probable future development.
2. The adequacy of major roads, utilities and other facilities and services to serve the development.
3. That the proposal is conceptually sound, is consistent with the Town Comprehensive Plan, and meets local and area wide needs.

Mr. J. Clark asked if the board had any questions.

Fred Allen, Chairman, asked that Bill Lester, Chairman, CLUP, explain to the board and the public how we got to this point and how we proceed.

Mr. Lester stated that the process based on the CLUP, Zoning Ordinance and Subdivision Regulations that were adopted by the Town Board requires a developer make an application for incentives to increase density in a development; that would be the benefit to the developer, in

exchange to benefits to the Town. It is this process that is negotiated between the developer and the Town Board essentially with assistance by a representative of the Planning Board, in this case, Al Yager, Town Engineer, has been involved in every one of the negotiations negotiating the process and getting to the point where the Town Board asks the Planning Board, Zoning Board of Appeals and the Onondaga County Planning Board to review the application and give their recommendation to the Town Board. That's the process.

Mr. Allen stated that there were several work sessions as part of the negotiating process with you and Al.

Mr. Lester added....and the Town Board. The Town Board has been involved in all of the work sessions with Plumley Engineering and Dr. Clark and this is the document that resulted in that.

Hugh Kimball questioned if we're still waiting for County Planning to give the same approval that we're being asked of tonight?

Mr. J. Clark concurred stating that the Town Board referred it to the Planning Board, Zoning Board of Appeals and County Planning at their last meeting. This is the first board up to make our presentation to. The Town has laid out three or four incentive zoning areas throughout the Town with us being west of 690 (indicating on plan). All the rest is in the Cold Springs Peninsula.

Mr. Kimball stated that normally when the first presentation is given to a Planning Board on any project we usually ask some informational questions to give you some ideas of things that we're thinking about. I'm wondering if it's appropriate to go ahead and ask them at this point since this is the first time this project has been before us.

Mr. J. Clark asked that Mr. Kimball keep in mind that we will be coming back before the board with a subdivision application.

John Corey stated that it is his understanding that the type of questions that you're talking about, which are very appropriate, will be answered when this comes back to the Planning Board for our normal cycle. Our only purpose tonight is to make a recommendation as to whether we feel this incentive plan meets the intent and purpose of the Incentive Zoning and CLUP. I don't think we're here to judge...

Mr. Kimball...no, I agree with that, I'm just saying that maybe it would be beneficial for everybody to ask a couple of questions to get people to think about it; both the developer and the board.

Mr. Allen questioned if the questions have to do with home many lots, their size and location?

Mr. Kimball stated that the one that is key in my mind is the road that exits onto Emerick and that perhaps it should be opposite Irene Drive rather than having another intersection on a downward hill considering the possibility that there could be an additional development further up the hill, similar to a subdivision on Patchett Road, so that you don't have multiple intersections on a road.

Mr. Allen stated that he believes you'd have a harder time with the cul de sac down to the south.

Mr. Kimball stated that that's another question, do we need cul de sacs...

Mr. Allen stated that he thinks those are the kind of questions when we get into the actual subdivision layout itself. The question that I have has to do with some of the provisions, for example, #5 in the narrative:

Another benefit to the Town will be the increased tax revenue generated. The additional 15 lots provided through the incentive zoning approval will result in approximately \$180,000 of added tax revenue annually.

Mr. Allen...\$12,000 taxes per year...are they \$600,000 houses?? It seems high.

Several talking at once...agreed that it's what the homeowner of a \$350,000 house pays.

Mr. Corey stated that he's not here to judge the negotiations, that was done by other people, but where it talks about the money in the narrative...the Town has accepted cash in lieu of amenities (page 2, paragraph 1), fine they have that right; but it appears that what they're proposing is to take the cash and put it into an unspecified area called Highway Department for possible use in road work or equipment. Having spent all day reading over the CLUP and Zoning Ordinance, *Section 139-76, Paragraph A(6): Any combination of above listed amenities and/or cash in lieu of any amenity(s) for specific purposes identified.* It must be identified to a specific purpose and that specific purpose under the intent of our zoning is to benefit the residence of the area for which incentives are granted or their proximity. I'm concerned that we're just putting money into an area where it could end up not meeting the intent of the Comprehensive Plan.

Mr. Allen stated that he believes that that particular provision was changed in the final resolution. The Town has the right to do whatever they want, I think.

Mr. Corey concurred that they have a right, but what they're asking us to do is read this and see if this is consistent with the purpose and intent of the CLUP.

Tim Frateschi, Esq., stated that Mr. Corey's point is very well taken, in fact I've heard from several people who have made the same comment, including myself. I liken this incentive zoning to park land fees for instance. When we collect park land fees, the original intent of park land fees is to have open space in a subdivision, but if there is not enough open space in a small subdivision then the Town has the right to take park land fees/cash but that cash can only be used, under State statute to create park type/recreational type activities in the Town.

Mr. Lester read into the record, Section 139-79: Cash in Lieu of Amenity or Bonus

- A. If the Town Board finds that a community benefit is not suitable on site or cannot be reasonably provided, the Town Board may require a cash payment in lieu of the provision of the amenity or bonus. These funds shall be placed in a trust fund to be used by the Town Board exclusively for amenities specified in these provisions. Payments shall be made by the applicant prior to the issuance of any permit, stripping of any ground cover, site grading, or any other site improvements or construction activities.

Mr. Lester continued stating the key in his opinion, is exclusively for the amenities specified in these provisions.

Mr. Frateschi stated that that is precisely what I was getting at. That language matches very closely to park land fee language whether under case law or whether under State statute.

Mr. Lester stated that in his opinion, one of the amenities would be consistent with the provisions of the CLUP, Zoning Ordinance and Subdivision Regulations and that would be to use the cash to put into a fund to extend sewers to unsewered homes that exist on the Seneca River. What we've talked about extensively is on the peninsula, the Hayes Road properties and failing septic systems. The day will come when the people who in Seneca Estates, Crane's Watch and Riverbend are going to have to connect to sewers and to put these monies in a trust fund to be used for that purpose makes a lot of sense and is part of the way the CLUP was put together.

Mr. Frateschi added...if you look at the State statute that allows Incentive Zoning, there are types of benefits that are talked about that a Town should consider authorize Incentive Zoning. They are open space, housing for persons of low income, parks, etc... or physical, social or cultural amenities or cash in lieu thereof that benefit the residents of the community authorized by the Town Board. That is not an exclusive list, these are some types of things that can be offered as benefits for incentive zoning. The Town Board, as I read the Code, one of the purposes, under Section 139-72, includes specific purposes of preserving farmland, open space as well as promote the extension of roadways, sewers and other such amenities. I think that fits into what Bill has been referring to. That goes into what John has been suggesting. In the end...we're just making a recommendation to the Town Board. The Town Board ultimately makes the decision on these things; but we do have a responsibility to make sure we're following both State Law and our Town Code in a way that we can justify. Based on all of what I've heard I've drafted a resolution which I hope incorporates the concerns that you've raised.

Mr. Kimball stated that he agrees with both Mr. Lester and Mr. Corey. Having been on the Land Use Plan Committee, I believe the work that we did on that committee, we definitely identified a higher use of the funds generated from this application or any future development in the area and invest it until there is enough money to assist the extension of the sewers. We have some septic tanks that are 60 years old in close proximity to the river and the funds should not be used for operating funds for the Town.

Jim Hickey stated that as a former Town Board member, when I read language like this it concerns me. We've created an incentive zoning program with the possibility of extending sewers and amenities. To see wording like this that is so general, where it indicates that the Town Board would like to use the monies for work associated with the Town Highway Department and/or Highway Department equipment purchases. It is so vague....it could be used for raises, benefits, workers, shovels. I don't think that's consistent with what my understanding of the Land Use Plan would be, nor the work that I did on the Town Board with the Transfer of Development Rights; where we ended up with this plan tonight. I just want this part of the public record.

Mr. Frateschi stated that the normal operation/normal maintenance is not what incentive zoning is for. That is what the general tax levy is for. This is for specific projects that would not normally be done by the Town.

Mr. Hickey raised another topic...sewers. Where are we with tying Seneca Estates into public sewers.

Al Yager, Town Engineer, stated that the pump station and force main were designed for a capacity of 150 homes...

Mr. Hickey stated that there are 107 houses in Seneca Estates and Crane's Watch alone.

Mr. Yager continued...that's not to say that we can't swap out the pumps in that Whispering Oaks Pump Station or swap out the impellers in that pump station and get more capacity out of that pump station. There are things that can be done, relatively inexpensive, to increase capacity further than where it is at now. The cost associated with that is not nearly as high as the cost associated with running a force main to Seneca Estates. Ultimately, that's the big ticket item in the development you live in.

Mr. Frateschi stated that presumably the funds that would be available through incentive zoning could be used for that.

Mr. Yager concurred, stating that they could be used for a force main...

Mr. Hickey stated that that is a project that these funds should be used for specifically.

There was considerable discussion with regard to sewers in Seneca Estates specifically, with other areas in the Town that are in dire need; Red Rock/Hayes Road area where a Consent Order may be pending from the New York State Department of Environmental Conservation like we did for the West Phoenix area.

Mr. Allen stated that he received a couple of telephone calls from Town Board member, Bob Geraci who asked to come and address the board tonight. I agreed that we would entertain his comments, however, because of the independent nature of our boards I would ask you not to lobby for either passage or denial of this recommendation.

Bob Geraci, Town Board, stated that he appreciates this opportunity very much, while it's probably not a breach of protocol but it's certainly something brand new. We're at the gate for the first time with this incentive zoning and it has been an interesting conversation and I'm actually enjoying the conversation I'm hearing tonight. I've got concerns that I'd just like to share with you. It's not a yay or nay about the project, it's all about precedence. Article XXVII describes the whole system of incentive zoning. Everything that has been proposed in terms of accepting a cash payment in lieu of some other things is entirely appropriate; what is bothering me is that there was a lot of work here where I've listed lots of reasons for incentive zoning, which was created in the first place. It's all about the preservation and enhancement of the natural, agricultural features, farmland protection, creation of open space and everything identified in A through F in the document. Someone did a lot of work putting those words on paper. I don't want to be remiss as a Town Board member in saying, "money is cash on the barrel and is good enough"; and that's all I want you to do, is just consider that. I'm not going to talk specifically about the project except to say I understand full well that a 26 acre project is not all that big. What I'm worried about here is if we allow edge to edge development for just \$60,000 or \$1400 a unit...what's the next developer going to say to us, "you did it for him, do it for me. You don't need that green space, apparently you're not interested in farmland protection as much as you're interested in money"; that is what concerns me. I'm not worried about this development per say; I'm worried about the precedence we'll establish through-out the community not just west of 48, but on the peninsula as well; because if they don't have to do any kind of farmland protection or open space development, it stands to reason nobody does.

Mr. Geraci thanked the board for allowing him to make his comments heard.

There was some discussion with regard to the recommendation process.

Mr. Frateschi stated that the Town Board is required to ask for your recommendation, but they're not required to follow your recommendation. From the Planning Board's perspective we are a reactive board; we are not a proactive board. Things come before us and we make a determination/recommendation based on what we know the law to be; either State Law or Town Law. We don't make the decisions about whether it's going to be money or whether it's going to be open space, farmland, whatever the case may be; but we don't negotiate how much, the Town Board does.

Mr. Hickey stated that the Planning Board is the first board to hear this; do we have to give a recommendation tonight or can we wait to hear back from the County and ZBA?

Mr. Frateschi stated that you're not compelled to act; there's no provision under Section 261 of Town Law or under our Code that you have to make a decision in a certain period of time.

Mr. Allen questioned why we should have the influence of the other board. I think that this matter before us falls on its own for us. Why in the world should we care what Onondaga County says.

Mr. Corey concurred, stating we don't, we have to respond to what has been tasked to us.

Mr. Allen stated that we have a request from the Town Board and he'd like to put a resolution on the table:

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

The **TOWN PLANNING BOARD OF THE TOWN OF LYSANDER**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Lysander, located at 8220 Loop Road, Baldwinsville, New York 13027, County of Onondaga, State of New York, on the 17th day of September, 2015, at 7:00 p.m. The meeting was called to order by Fred Allen, as Chairman, and the following were present, namely: Fred Allen, Chairman, Joanne Daprano Member, Hugh Kimball, Member, William Lester, Member, James Aust, Member, John Corey, Member, James Hickey, Member

The following resolution was moved, seconded and adopted:

WHEREAS, the Town Board has passed a local law (Article XXVII of the Zoning Code) that implements "Incentive Zoning" pursuant to Section 261-B of the NYS Town Law;

WHEREAS, the Town Board has determined that is appropriate to make adjustments to permissible density and area requirements for specific purposes of preserving farmland and open space as well as to promote the extension of roadways, sewers and other such amenities at a minimum cost to the residents and taxpayers (Lysander Town Code Section 139-72);

WHEREAS, in addition to the Town Board determination, a Comprehensive Land Use Plan Committee was formed to determine what areas of the Town are most appropriate for Incentive Zoning;

WHEREAS, an application was presented to the Town Board by Plumley Engineering, entitled Incentive Zoning Project Narrative, Whispering Oaks Subdivision – Section 4, Project No. 2014090, Dated July 2015 (the "Application");

WHEREAS, the Whispering Oaks Subdivision is one of the areas the Land Use Plan

Committee identified as appropriate for Incentive Zoning (see the attached proposed Town of Lysander Zoning Map, which is made part of this Resolution);

WHEREAS, the Planning Board has reviewed the Comprehensive Land Use Plan and agrees with its findings;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Planning Board of the Town of Lysander, County of Onondaga, State of New York, does make the following findings of facts:

1. After considering the suitability of the site set forth in the Application for the type of sewer, roadway or other amenities proposed, the physical characteristics of the land, and the relation to the proposed development to surrounding and probable existing future development will not be adversely affected because:
 - i. the benefit proposed in the Application (\$1,600 per lot – the “Benefit”) will provide sufficient funds to extend sewers in existing unsewered area, thus promoting the extension of roadways, sewers and other such amenities at minimal cost to the residents and taxpayers, as set forth in Section 139-72 of the Town Code (including the potential extension of public sewers to Seneca Estates, Crane’s Watch and Riverbend, which are currently on private sewers near the Seneca River);
 - ii. Such extension of sewers in the Incentive Zoning area could allow for the orderly construction homes in this area, thereby creating a disincentive to build homes in areas designated for farmland or open space in the Town;
 - iii. Existing West Genesee Sewer District debt service reduction resulting from the developers agreement to pay the debt service for each lot until they’re sold;
 - iv. As additional development occurs within this Incentive Zoning Overlay area assuming as many as one-hundred, ten (110) homes at $\geq \$1600/\text{lot} = \$176,000$ can accrue to the above sewer extension account.
2. The adequacy of major roads, utilities and other facilities and services to serve the areas set forth in the Application are in place and the Benefit will allow for the orderly extension of this infrastructure in an area that is already characterized by residential development;
3. The proposal set forth below is conceptually sound, is consistent with the Town Comprehensive Land Use Plan and meets local and area wide needs because it follows the proposed Town of Lysander Zoning Map and because the Benefit provides for the orderly growth of residential homes in an area of the Town which is characterized by residential subdivisions;

NOW, THEREFORE, BE IT, RESOLVED, that the Town Planning Board of the Town of Lysander, County of Onondaga, State of New York, hereby makes a positive recommendation to the Town Board for Incentive Zoning as set forth in the Application with the following conditions:

- A. The Incentive Zoning Map, as provided to the Planning Board, be adopted by the Town Board;
- B. That the Benefit be used to extend sewers and/or roads in the immediate area set forth in the Application so as to preserve the findings and determinations set forth herein.

7 Ayes -- 0 Noes

- 5. Meeting Schedule: It was determined that the Monday, October 19, 2015 regular Planning Board meeting be rescheduled for Thursday, October 15, 2015 at 7:00 p.m.

The secretary asked for special consideration for the November Planning Board meeting to meet earlier in the month due to a family matter; as there's the good possibility that she won't be available for the November 19, 2015 meeting. It was determined that that meeting would be rescheduled to Thursday, November 5, 2015 at 7:00 p.m. in the hopes that she will be able to attend.

The Board determined that it wouldn't be an issue to change the meeting to the first Thursday of the month, as that's the new meeting date for the 2016 Calendar year.

VI. ADJOURN

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

RESOLVED, that the September 17, 2015 special Town of Lysander Planning Board meeting adjourn at 8:18 p.m.

7 Ayes -- 0 Noes

Respectfully submitted,

Karen Rice, Clerk