

TOWN OF LYSANDER
PLANNING BOARD SPECIAL MEETING
Thursday, October 24, 2013 @ 7:00 p.m.

The meeting of the Lysander Planning Board was held Thursday, October 24, 2013 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, James Hickey

OTHERS PRESENT: Frank Costanzo, ZBA; Jeanie Kenyon; Bill McPartland; Martha Passamonte; Jerry Passamonte; Steve Sehnert, Applied Earth Technologies; Dan Barnaba, Eldan Homes; Brian Licourt; Vince Kearney, Belgium Cold Springs Fire Department; 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 September 16, 2013 Planning Board meeting.

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

RESOLVED, that the minutes of the September 16, 2013 regular Planning Board meeting be approved as submitted.

7 Ayes -- 0 Noes

III. OLD BUSINESS

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| 1. Site Plan Amendment | Riverknoll @ Radisson
Drakes Landing South/Riverknoll North |
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Bill Durdel, Baldwin Realty/DiMarco Group, stated that he was previously before the board asking for a modification to the existing final site plan approval for an 80 unit, two story building for seniors' vs ten buildings for families. Meetings were held with the Belgium Cold Springs Fire Department with Plumley Engineering addressing all of their concerns. Unfortunately we have found that the governmental agency that funds these types of properties, they understand that the Baldwinsville immediate area and our own personal waiting list for apartments in the immediate Baldwinsville area are enough to fill these 80 apartments, the regulations require them take a larger market area to include Phoenix, Clay, Liverpool, North Syracuse and Van Buren. Ultimately they're telling us 80 senior apartments are not going to fly because there are too many apartments available. They're not going to fund a project that requires you to capture 19 out of every 100 income and age eligible residents. We're arguing this and fighting this with an application deadline of December 5th. We have successfully built and operate 26 of these affordable housing properties similar to Riverknoll over the last 24 years. We have a relationship with the people in the State agencies who are very candid with us, the futility of all

of this is that we could fill the 80 apartments with our own waiting list here in the immediate Baldwinsville area, but we're going to go ahead and ask for site plan approval at your November 21st meeting and still submit our application for funding even though truth be told they won't fund it. Other alternatives will be explored between now and then, smaller buildings, same footprint location wise but smaller dimensional since three bedroom apartments will be eliminated with more one and two bedroom buildings essentially "disguising" the project as being able to serve seniors at least 55 years or older.

There was some discussion as to whether or not this application has to go to County for their review and recommendation.

Karen Rice, Clerk, stated that it does not as the entire project was reviewed in its entirety with the initial site plan approval for the three phases on 53 acres of land.

Mr. Durdel stated that they will be going before the Town Board to request a PILOT (Payment In Lieu Of Taxes) agreement and thanked the board for their patience and understanding of where they are with this project.

Board members thanked Mr. Durdel for coming in and keeping them up to date on the proposal.

2. Major Subdivision

Eldan Homes/Radisson Associates
Crimson Ridge, Phase 5, Radisson

Dan Barnaba, Eldan Homes, stated that at the Planning Board's suggestion we are now going with public roads and have worked out a plan with a cul de sac showing eleven lots with two lots remaining on Sabin Road. Assuming there's market value to the lots on Sabin, we are hoping that these lots can be taken into consideration as a future phase of the development with continued negotiations with the Radisson Community Association about servicing them.

Engineering details with regard to stormwater, stormwater basins, sewer connections, an abandoned waterline, etc. were discussed, however without representation the developer will continue to work with Al Yager, Town Engineer, when he returns to work.

Fred Allen, Chairman, questioned if the comments from the Radisson Community Association have been incorporated in this plan. The reason this is being brought up is because we received a letter from Lynn Tanner saying one of the frustrating parts was this board would approve something, then it would go to them and they would have changes. They have asked that we run things parallel.

Karen Rice, Clerk, stated that that has been the practice for anything in the Industrial Park working with the Empire State Development Corporation (ESDC).

Karen further stated that she spoke with Lynn and her words were "they conceptually approve it" and is talking to their attorney about the Sabin piece.

James Aust asked that the fire department be kept abreast on how you progress.

Mr. Barnaba concurred, stating that they will also be involved with the final plan review prepared by Plumley Engineering.

Mr. Allen stated that the NYS DEC has released new SEQRA Environmental Assessment Forms (State Environmental Quality Review Act), which went into effect October 7, 2013, with impacts identified as the following:

- No, or small impact may occur, or
- Moderate to large impact may occur

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

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? No
2. Will the proposed action result in a change in the use or intensity of use of land? No
3. Will the proposed action impair the character or quality of the existing community? No
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? No
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? No
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? No
7. Will the proposed action impact existing:
 - a. public / private water supplies? No
 - b. public / private wastewater treatment utilities? No
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? No
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, 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 #2 -- Motion by Allen, Second by Aust

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 Eldan Homes, Crimson Ridge, Villa Ridge Circle, Baldwinsville, New York, Major Subdivision application.

7 Ayes -- 0 Noes

RESOLUTION #3 -- Motion by Allen, 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 Eldan Homes, Major Subdivision application, the Planning Board issues a NEGATIVE DECLARATION.

7 Ayes -- 0 Noes

Mr. Barnaba thanked the board for their time.

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| 3. Major Subdivision--Tentative
Final Plat Approval | Highland Meadows
Mercer Street/Giddings Trail Extensions |
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No representation, this item will be tabled until such time that the applicant asks to be placed back on the agenda.

IV. NEW BUSINESS

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| 1. Minor Subdivision
Case No. 2013—016 | Pedder, Megan
Kibby Road (Tax Map No. 015.-03-01.1) |
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Stephen Sehnert, Licensed Land Surveyor, represented the owner, Charles Pedder in his proposal to subdivide a ten acre parcel from approximately 60 acres to give to his daughter (applicant) allowing her to build her home. The lot will have approximately 460 ± width and a depth of approximately 946', which complies with 4 to 1 ratio in the subdivisions. This configuration leaves over 200' on each side of the parcel being subdivided out for future expansion if anybody ever wants to do so. The property is zoned Agricultural, but it's not in Ag Taxing District, however an Ag Data Statement was completed. It meets the minimum size for the Agricultural zone. There are no freshwater wetlands or 100 year flood hazards associated with this parcel. Percolation tests have not been taken due to scheduling issues.

Hugh Kimball stated that after a site visit he noticed at one point the land is substantially below the level of the road and there's also a turn in the road that may have been in the way of the sight line. (However, due to the size of this parcel it may have been beyond the Pedder property).

Mr. Sehnert stated that the turn in the road is to the east of this parcel.

Fred Allen, Chairman, asked if any of the property was farmed.

Mr. Sehnert stated that a small portion is farmed.

James Aust asked if they have a driveway permit from the Town, which was not addressed. One will be required from the Town since Kibby Road is a Town road.

James Hickey questioned the pond on the property and how it may affect the subdivision as it appears to bisect the two lots with Mr. Sehnert stating that the pond will not interfere with a well and/or sewage disposal system. The soils appear to be good.

Mr. Aust questioned if the pond is in a wetland with Mr. Sehnert stating that it does not show up on the Freshwater Wetlands Inventory.

Mr. Allen stated that he doesn't believe ponds are classified as wetlands with some of the board members concurring.

The application will be forwarded to the Onondaga County Planning Board for their review and recommendation as the property abuts Oswego County.

RESOLUTION #4 -- Motion by Allen, 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 the Megan Pedder, Kibby Road, Baldwinsville, New York Minor Subdivision application.

7 Ayes -- 0 Noes

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

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? No
2. Will the proposed action result in a change in the use or intensity of use of land? No
3. Will the proposed action impair the character or quality of the existing community? No
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? No
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? No
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? No
7. Will the proposed action impact existing:
 - c. public / private water supplies? No
 - d. public / private wastewater treatment utilities? No
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? No
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, 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 #5 -- Motion by Allen, Second by Hickey

RESOLVED, that the Planning Board 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 Megan Pedder, Kibby Road, Baldwinsville, New York Minor Subdivision application, the Planning Board issues a NEGATIVE DECLARATION.

7 Ayes -- 0 Noes

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

RESOLVED, that a Public Hearing be held within sixty-two days at a date and time designated by the secretary on the application of Megan Pedder, for a subdivision of property located at Kibby Road, Baldwinsville, New York, Farm Lot No.35 and Tax Map No. 015.-03-01.1, for a development of two (2) lots from a parcel of approximately Sixty (60) acres. Conditioned upon filing a complete application and paying to the Town Clerk the appropriate fees.

7 Ayes -- 0 Noes

Mr. Sehnert thanked the board for their time.

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| 2. Site Plan Approval--Tentative
Case No. TBD | Ryan Homes
Lysander Preserve Sign
Lysander Preserve—Mercer St. |
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The applicant is seeking a Front Yard Setback Variance, therefore this item will be tabled until such time that the Zoning Board of Appeals meets.

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| 3. Minor Subdivision—Lot Line
Case No. 2011—014 | CNY Crops
Plainville Road (Tax Map No. 035.-02-05.1) |
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Fred Allen, Chairman, recused himself from voting on this application as he is one of the owners of CNY Crops.

Mr. Allen represented CNY Crops, stating that this is the third time back before the board for an amendment to the subdivision. On the drawing you will see that there's a driveway that used to be the old Plainville Road. Down at the bottom there was a half hexagon that was an easement by the County (Onondaga County Department of Transportation). We originally thought it was a misplaced easement that was at the end of a culvert that goes underneath Plainville Road and misplaced by a couple hundred feet. I talked to the County engineer who went back in the records and found that that easement is not for the culvert but was taken so that the Town could get fill for the new Plainville Road out of the hillside that was part of the Plainville Turkey Farm. When the purchaser went to his mortgage company they had the appraiser come out who was concerned with the easement. More particularly, County telling him he couldn't use it. The engineer said they would give a letter saying we don't care what you do with the place. We have moved the lot line again to fully encompass that easement so that there's no question.

Steve Sehnert, Licensed Land Surveyor, concurred stating it's not an easement; it's actually a fee ownership by the County so it's actually part of the County highway system. The board

previously approved Lot 1A, an irregularly shaped parcel of land we had to make in order to include the sewage disposal system/disposal field on the property. The lot lines have been adjusted accordingly to comply with the Agricultural zoning for both Lot 1A and parcel A. The plan notes the shaded area being added to the parcel.

Hugh Kimball stated that the board has essentially approved this previously; basically you're here adding land to get around this parcel. What do we need to do this evening to get this done?

Karen Rice, Clerk, stated that there's a resolution on file authorizing the board to approve the movement of a lot line.

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

RESOLVED, that the Planning Board, having reviewed the application of CNY Crops, for a subdivision of land for property located on the west side of Plainville Road, 1600 ± feet south of Route 370, Baldwinsville, New York, Part of Farm Lot No. 84 and Tax Map No. 035.-02-05.1, as shown on a map dated October 10, 2013, 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 the Acting Planning Board Chairman and/or the Code Enforcement Officer to approve the division of land with the following conditions:

- 1) A deed shall be prepared and submitted to the Code Enforcement Officer for his review.

6 Ayes -- 0 Noes

Mr. Allen did not participate in the voting of this application as he is a partner of CNY Crops.

Mr. Sehnert thanked the board for their time.

V. OTHER BUSINESS

1. Interim Planning Board Attorney for the remainder of 2013.

Fred Allen, Chairman, stated that we talked at our last meeting about finding a replacement for our Planning Board. Karen has tried, unsuccessfully, to get a job description from any of the adjacent Towns; their response was normally they don't have such a list and just do the appointments at the first of the year. Out of desperation we deal with Zach Benjamin, an attorney out of the Scolaro Law Firm on a lot of different affairs. I asked him if there was some sort of description of the responsibilities of a Planning Board attorney and he said that his law firm does that. Zach has been outstanding as a lawyer, he has done real estate transactions, set up companies, buy/sell agreements, etc... Zach is a workaholic who would return an email on New Year's Day if need be. He said they would be interested in submitting a proposal, fees and a description of their expertise. Harris Beach would be the logical alternative because that's where Tim was, but we received a letter from someone in their firm stating that they would be available until they hired a replacement for Tim. The hiring date was October 1st and we haven't heard from Harris Beach at all.

Hugh Kimball questioned if Mr. Allen called Harris Beach with Mr. Allen stating that he has not, mainly because I felt that if they really wanted to work with us they would call.

Karen Rice, Clerk, stated that she received an email from Harris Beach telling us that they'd be willing to help us out through the end of the year and then I got a bill for something like \$200 for sending that email to me. Tim would never have done that. He didn't charge for half the things that he provided me.

Mr. Allen stated that he received a letter from Zach expressing their firms' desire in representing the Planning Board with Attorney Biographies and a fee schedule. With this being the end of the year, chances of needing legal counsel are slim to none but we would have someone as our go to attorney. Right now we have none. The Town Board attorney has said call me if you need me, but... (several commenting at once) with Mr. Allen asking what the board's feelings were on trying them until the end of the year.

James Hickey concurred, adding that for next year Scott Chatfield might be interested and has a great deal of experience.

William Lester stated that the Comprehensive Land Use Plan Committee also needs an attorney. A committee was supposed to be established to interview attorneys...

Mr. Allen stated that when we put out request for proposals for the Town Engineer position we got responses and we were able to put a document together from those, but we've got nothing.

Karen stated that in the three Towns I talked to they said it's done the same way we did it, all of a sudden the attorney appears at a board meeting. That's what happened with Tim...no RFQ's or RFP's ever went out.

Mr. Lester stated that he would be in favor to appoint as an interim attorney until the end of the year, but I'd like to have him be involved in the Comprehensive Plan update too.

Mr. Allen questioned if there was a budget for the Comprehensive Plan for legal.

Mr. Lester said they did not.

Karen stated that that shouldn't come out of Planning Board; it should come out of the Town's General Fund or whatever they call it because it's the Town's Master Plan, not the Planning Boards.

Mr. Lester stated that he will approach the Supervisor tomorrow.

Mr. Kimball questioned if Zach has the familiarity with SEQRA and Town Law, because that's where we live.

Mr. Allen stated that he's not a Planning Board Chairman or a Planning Board lawyer like Tim was.

Mr. Kimball stated that we need somebody that really understands SEQRA and Town Law; and the Land Use Plan does need somebody that at least knows what a Land Use Plan is, which some attorney's do not.

Mr. Allen stated that if the Committee wanted to sit down with Zach and talk to him about that he'd be receptive.

Mr. Lester stated that if he's as excited about this as his letter would apply and your recommendation on how attentive he is to service...with the way the State, Federal and County rules, laws and regulations change so often, it's probably not a bad idea to have a guy who is very aggressive to learn and willing to help and certainly from a Comprehensive Plan update perspective we'll need somebody like that.

James Aust questioned if he was willing to go out and pursue other legal counsel that may be more experienced in a certain area. It's important that they are willing to pursue other people.

Mr. Allen concurred stating he specifically states that in his letter. The package he submitted contains attorney's right in his firm that could be consulted. They have 35 lawyers in the Syracuse office.

There was some discussion as to the benefit of having a Planning Board attorney sitting right there being able to respond to anything that may come up that the Board didn't necessarily have the answer to. Prior to having a Planning Board attorney items were tabled until such time that we could get an interpretation from the Town Attorney.

It was determined that we would provide the Planning Board a copy of the Town Code, which includes the zoning and subdivision regulations and ask him to brush up on SEQRA background and let it go from there.

Mr. Kimball stated that at least we found somebody that is interested and somebody who is willing to work hard.

Mr. Aust added that their fee schedule looks attractive.

John Corey stated that last year we didn't need a lawyer at the end of the year and the way things look, we may not....

Mr. Lester stated that the Comprehensive Land Use Plan Committee could use him...

Mr. Corey stated that he believes that's a Town Board function.

Mr. Kimball stated that we would probably use the Planning Board lawyer as opposed to the Town Lawyer for the Land Use Plan.

Mr. Corey stated that he read all of the resumes of the attorney's in the package and if they have any expertise in this field, none of them listed it on their resume. No one in that firm does this type of work, not that they can't learn, not that they won't be fine...learn as you go.

Mr. Allen stated that every municipality is a little different, just so that he knows our Town rules and regulations. I just don't want to be without anybody.

Mr. Hickey stated that he agrees we need an attorney but would be much more comfortable seeing if we can get a couple of people to be interviewed by the committee for next year.

Mr. Lester stated that he will speak with John tomorrow and would like to amend any motion to appoint an attorney on an interim basis who would also serve the Comprehensive Land Use Committee. We could have him available for the November 7th meeting. Three members of this

board are on the Land Use Plan Committee and that would give us a chance to assess Mr. Benjamin's capabilities.

Mr. Kimball stated that we may not need legal counsel through the end of the year and suggested rather than through the end we extend it into January so that we can see him in action.

Mr. Hickey concurred stating that we can extend it again in December.

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

RESOLVED, that the Planning Board engage Scolaro, Fetter, Grizanti, McGough & King, P.C., with Zachary Benjamin as the contact on an interim basis to serve the Planning Board through December 31, 2013 with an agreed upon extension.

7 Ayes -- 0 Noes

VI. ADJOURN

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

RESOLVED, that the special October 24, 2013 Lysander Planning Board meeting adjourn at 8:15 p.m.

7 Ayes -- 0 Noes

Respectfully submitted,

Karen Rice, Clerk