

TOWN OF LYSANDER
PLANNING BOARD MEETING
8220 Loop Road
Thursday, January 11, 2024 @ 7:00 p.m.

The regular meeting of the Town of Lysander Planning Board was held Thursday, January 11, 2024 at 7:00 p.m. at the Lysander Town Building, 8220 Loop Road, Baldwinsville, New York.

MEMBERS PRESENT: John Corey, Chairman; Hugh Kimball; Steve Darcangelo; Doug Beachel and Matt Hunt

OTHERS PRESENT: Al Yager, Town Engineer; Tim Frateschi, Attorney to the Planning Board; Amelia McLean-Robertson, Attorney to the Planning Board; Wanda Piston; Ermi Ortlieb; Katy Kiley; Brenda Cook; Brian Cook; Peter Hansen; Leon Pierce; Christine Barr; Robert Barr; Ronald Sellars; Jessica Coher; Admir Mehkic; John Pedrotti; Barbara Pedrotti; Kate Collins; Chirstine Henderson; Tina Fletcher; Karen Rice, Clerk, and several others.

APPOINTMENTS:

Al Yager, CHA, Town Engineer
Harris Beach, PLLC, Attorneys at Law, Planning Board Attorney
Douglas Beachel, Acting Chairman

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

RESOLVED, that the Planning Board appoint **CHA Consulting, Inc, Al Yager, Primary Point of Contact**, Engineers to the Planning Board for the 2024 calendar year.

5 Ayes -- 0 Noes

RESOLUTION #2 -- Motion by Corey, Second by Hunt

RESOLVED, that the Planning Board appoint **Harris Beach, Amelia McLean-Robertson, Primary Point of Contact**, attorney to the Planning Board for the 2024 calendar year.

5 Ayes -- 0 Noes

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

RESOLVED, that the Planning Board appoint **Doug Beachel, Deputy Chairperson** to the Planning Board to act on behalf of the Chairman if he is unable or has a conflict of interest for the 2024 calendar year.

5 Ayes -- 0 Noes

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

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| 1. Minor Subdivision
Case No. 2023-018 | Harney, Collien/Fletcher, Chad & Tina
8115 Dexter Parkway |
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The Public Hearing opened at 7:01 p.m.

John Corey, Chairman, questioned if anyone had any questions with regard to the Harney/Fletcher Dexter Parkway Minor Subdivision.

Kate Collins, 2250 Connell Terrace, stated that she is here with neighbors and we'd like to discuss the proposal to subdivide this property. I object to the fact that they could subdivide and possibly develop with a house and/or houses on the property.

Mr. Corey stated that that type of discussion we'll have when we get into actually reviewing the document. At this public hearing you're either in favor of it or against it and offer us your reasons why you're against it to help the Board with their decision. We will be discussing those issues as we move forward.

Jessica Coher, 2272 Connell Terrace, stated that she does not feel that we have enough information about what the development is going to be to be either for or against it at this point.

Gentleman: Yeah, you guys haven't really given us anything other than 'this is what it is and either your yay or nay for it'.

Tim Frateschi, Esq., stated that right now we have a property that is approximately six acres. The applicant has asked that we subdivide that six-acre lot into three different lots; Lot 2 which has an existing home on it and .32 acres; Lot 1 which would be a buildable lot and the remaining land, which would also be a buildable lot.

Gentleman: You say buildable, what would that be zoned?

Mr. Frateschi stated that the property is already zoned residential. At most if this subdivision is approved you'd be able to build two additional houses.

Ms. Coher questioned if an apartment building could be built on the lot.

The property is zoned R-12.5, a 12,500 square foot minimum lot size is required. A single-family dwelling on a permanent foundation is allowed per lot.

Mr. Frateschi continued stating that all that is required for a subdivision in this zoning district is approximately ¼ of an acre lot (with 70' of lot width) on a Town road.

Gentleman: If we pass this, what's there to say that they won't come to the Town and the Town's going to change it and give them more.

Mr. Frateschi stated that if it's approved tonight you'd have three conforming lots that conform to the Town Code where you can build two additional homes. If the applicant came in next month, two months, three years from now and says I want to resubdivide this parcel (indicating on 4 acre remnant piece); frankly he can do that today...

Al Yager, Town Engineer, stated that the remaining lot only has 100' of lot width; so to do any additional lots other than the one that is proposed you would need to be considered a Major Subdivision, construct a street and develop according to the R12.5 zoning designation with 12,500 square foot lots. Is it possible to do that, it absolutely is...what the developer is actually doing here is probably limiting the potential for additional subdivisions by taking the frontage that's included in Lot 1 away.

Woman: Questioned access for all lots.

All proposed parcels have frontage on Dexter Parkway; the remnant piece also has frontage on West Genesee Road (39'); however, the grade and the existing slope will make a driveway difficult. The reality of it is it's not really a spot that's constructable for a driveway.

Woman: So, you think the remaining property would be too small to do anything with.

Mr. Yager, no, they can build a house, there is room to build a house. Further subdivision is unlikely.

Mr. Frateschi reiterated that if this two-lot subdivision doesn't go through the opportunity to subdivide the entire parcel is greater because now you will have much more frontage to build an access road.

Mr. Yager concurred stating that they could build a 500' cul de sac in there with up to 25 houses in there theoretically if you went through the Major Subdivision process.

Gentleman: They still have plenty of frontage to put in a street (several talking at once)...

Mr. Yager: Yes, but you'd have to have 70' lot width for each lot and almost double the frontage on any corner lot. They're restricting how many lots can be developed in the future by moving forward with this.

Gentleman: The 39' frontage on West Genesee is only enough room for a private driveway to go back.

Mr. Yager stated that he does not know if they could make the grades work within the Town Code requirements. The maximum slope on a residential driveway is 10%. That grade coming up the hill from 370 is greater.

Gentleman: Even if we do approve this there's still a chance for a small development.

Mr. Frateschi concurred.

Gentleman: Townhouses?

Mr. Yager stated that townhouses would not be allowed; only single family residential units.

Gentleman: Is the landowner building or they parceling this to sell.

Mr. Frateschi stated that we don't have the answer to that, but that's not a consideration of this Board.

Ron Sellars, 2247 West Genesee Road, stated that he bought his house in the Fall of 2019 and has spent in excess of \$10,000 trying to control the run-off from that hill so that it doesn't flood my house every year. New construction is definitely going to have an effect on houses up there. I would love for you guys to take that into consideration because it will affect all of us (from a drainage standpoint). The springs move from year to year, it's a constant battle, we don't need to create more run-off.

Admir Mehkic, 2272 Connell Terrace, stated that heavy rains cause the whole street to flood. Now if we start construction, where's that going to go?

Mr. Yager stated that the lot is certainly downgradient from Connell Terrace, so there should be no effect to Connell Terrace and I believe, from what I've seen, the reconstruction of the drainage system on Connell Terrace that happened in 2019 has significantly reduced the incidences of flooding.

Gentleman: They didn't go to the end of the street with that reconstruction.

Mr. Yager concurred, but the end of the street was reconstructed previously and the drainage was upsized accordingly when that was done in 1998 or 1999.

Several talking at once stating that it still floods.

John Pedrotti, 2256 Connell Terrace, stated that this is a wonderful place to live and everybody wants to build out here, but when is it going to stop. Every sliver of every piece of land is residential. I moved on to Connell Terrace in 1995, now up above we have the Preserve, they're clearing all of the land and what happens is they drive all of the wildlife into the residential areas. We're overrun, overrun with groundhogs, coyotes...we have pets, we can't put out pets outside without having them on a leash and watching the constantly. The deer eating shrubs. I asked the DEC to do a study out here...we have to stop somewhere; that was one of the issues I brought up at the election; when is it going to stop. I've got a sliver of land in the back of my house and they're going to put a house on it with bridge embankments, putting them on top of each other. When are we going to say enough is enough, leave the land alone, enough is enough, building lots, stripping and clearing, everything is getting washed away.

Mr. Corey stated that you've raised questions that we've heard before, but really what you're talking about is what is allowed under the Town Codes. That's not an issue that relates to the Planning Board. It's allowed under the Town Code. What we do is look at an application with regard to a subdivision like this and we have to see if it makes sense given the Codes that the Town has that this Board has to operate under. We don't set policy. I hear what you're saying. I live over in Seneca Estates off of 370...I've got deer, turkey's, woodchucks, possums, raccoons...they've been there for 22 years and people aren't even building around us. I hear what you're saying but unfortunately that's not an issue that we can take into consideration when we make our decision.

Woman: Given the R-12.5 how many homes could they build.

Mr. Yager stated that the Board is not required to receive any survey of the remnant parcel. The subdivision only requires a map of the lots that are being created, which is Lots 1 and 2 as shown on the map on Dexter Parkway. Our Code does not require an applicant to provide a map of the overall holding as part of this subdivision application process. At this time the applicant and the surveyor have not provided us with a map of the overall holdings as it's not

required. It's not a requirement of the Town Code to do that; but there are requirements for the two lots they are proposing fronting Dexter Parkway. If anything, by creating these two lots fronting Dexter Parkway they are further limiting the number of homes that could be constructed on the remnant piece simply by taking away frontage on Dexter Parkway.

Woman: This meeting is to just get approval of the lots on Dexter Parkway. If they ever want to do anything on that remnant piece would you have another meeting to get approval on that?

Mr. Yager: Absolutely. Right now, the only thing that can be constructed on that remnant parcel is one single family home. To do that they would need to provide a survey of the entire lot as part of the building permit process to construct a single family residential home; which does not require Board approval.

There was some discussion with regard to setbacks of the lots along Dexter Parkway with Mr. Yager stating that they could put their homes as close 30' to Dexter Parkway or make their driveway 500' long if they wanted to. As long as they meet the minimum setback requirements they can place a house on that 4.7 acre parcel wherever they like.

Mr. Frateschi stated that the Planning Board just looks at the individual lots that are being requested; we don't look at the placement of the house. They have to have a certain amount of lot coverage, certain amount of lot width and a certain amount of depth. Where the property owner places the house on the property is up to them.

Regulations for Residential Structures:

Front Yard Setback: 30'
Side Yard Setback: 10'
Rear Yard Setback: 40'
Lot Coverage: 25%
Rear Yard Setback Accessory Structures: 10'
Maximum Height of Any Structure: 30'

Mr. Yager stated that these are the same requirements that existing on your homes currently on Connell Terrace. You are in the same zoning classification.

Woman: Flag-lot construction allowed.

Mr. Yager stated that flag-lots are only allowed in a Major Subdivision on a Town road. That is not something that can be considered with any action the Board may take this evening.

There was considerable discussion with regard to what 'could' talk place on the remnant piece. It was determined that the remnant piece is not part of this application. The Planning Board is concerned with the two residential lots as shown on the subdivision plan. As long as the remnant piece has enough lot width to do something on at a later date that's all that needs to be known.

Hugh Kimball stated that if the residents are concerned about a public road coming off of Dexter Parkway, that's not going to happen.

Mr. Yager stated that the geometric design of a road there is problematic due to the grade of Dexter Parkway.

Gentleman: You're saying all of the right things, most likely it's not going to happen, but nobody knows that no, it will not happen.

Mr. Corey stated that we can't say that; our function is the review of a two lot subdivision of land. We're not looking at what might be built down the road or anything like that. That's all we can deal with here tonight. If something happens down the road they will be back here to talk to us.

Mr. Yager added that you folks will be back here as well because it will require a Public Hearing.

There was additional discussion with regard to the owners intentions with Mr. Yager stating that the property owner is entitled to do this. The Planning Board has to have a very sound, legal reason that's very well defined in the Town Code to disapprove something that a property owner is entitled to.

Mr. Frateschi stated that this took place for all of your property. There was a process that went through to create the lots that your houses are on; this is an extension of that for two more lots.

Gentleman: Why not just divide it up and let us homeowner's buy the pieces behind our property.

Mr. Yager stated that you can do that...if you want to purchase it (several talking at once).

Gentleman: There's two acres missing on this parcel, there was over 7.

Mr. Yager stated that they may have thought that they had seven, but the surveyor says that they don't.

Gentleman: She told me that four people up on the end were buying it because there are a lot of people encroaching on this property.

Mr. Yager stated that it's willing buyer, willing seller. She can't sell it until the subdivision is done. It's free market economy.

Gentleman: She could squeak more money out of this parcel of land, that's what you do.

Mr. Yager: That's her prerogative. That's what a free market economy stands for in America.

Mr. Corey questioned if there was anything further on this simple two lot subdivision of land.

Leon Pierce, 2243 West Genesee Road, next to Ron, I'm with him for the simple reason of the water issues. I have spent just under \$10,000 in drainage to keep the basement and dry from flooding just from the normal heavy rain. They can't disturb any of that property with all of those springs. It's just going to flood us out. I am asking the Board to give some consideration for the residents that are below the hill, not to flood us out.

Mr. Frateschi stated that in terms of the lots being created, Lot 1 and Lot 2, the applicant has informed the Town that the purpose of the new Lot 1 is for Estate purposes. I think the owner of the property intends to keep that within the estate or keep it within the family.

Gentleman: This isn't the first time this parcel has been brought to the Board for a subdivision. Years ago, it was presented and denied. I bought my house from the original people that built it and the neighbor that Ron bought his from were the original owners and they presented this before to subdivide this property and it was denied.

Karen Rice, Clerk, not in the last 35 years it hasn't, perhaps prior to that.

Mr. Frateschi stated we're speculating on the 4.7 acre parcel that is not even a consideration tonight. It's unfair to the property owner to require this Board to require something that they haven't even asked for. It's just not fair.

Gentlemen: Do we have any legal right to deny this?

Mr. Frateschi: I'm the Attorney for the Planning Board, from a legal standpoint these are conforming lots; all of the lots being proposed are conforming lots and meet the Town's zoning regulations. If there is some reason, no knowing tonight, that would prevent these lots from being subdivided I don't think we would have a legal justification not to approve it.

Gentleman: Because of the drainage issues it would cause down on 370. Have we as a Town looked at that possible impact?

Mr. Yager stated that there is riparian rights issue where you can't block the water from flowing downhill onto your property. Whoever builds a house can't block water coming off of the existing homes on Connell Terrace from coming on to their property. That's a civil matter, it's not a Town matter. It's a matter with your neighbor. From a Town standpoint the things that we can look at are the shape and size of the lots; do they meet the zoning requirements; are they serviceable with utilities; can a driveway be constructed. Those are the things a Planning Board can look at from a utility standpoint. There's existing water and sewer on Dexter Parkway where water is available. While it's certainly not the most desirable slope to bring a driveway out onto a public street, it doesn't prevent a driveway from being constructed as long as the driveway can be constructed at 10% and in this instance you can do that just by the way the hill is sloped. Those conditions can certainly be met.

Woman: So, what was the purpose of tonight's meeting if essentially you've already decided...(several talking)...

Mr. Frateschi stated that State law requires every time you do a subdivision a Public Hearing be held.

Gentleman: Our opinions don't matter

Woman: ...we're not educated on the Code, we're not educated on the Law. We didn't even know what was happening, so we came here tonight expecting to understand better and to learn and here we are just basically being told that this is happening.

Gentleman: There's nothing we can do about it, it's happening. It's the State law, that's basically the only reason you're doing it.

Steve Darcangelo stated that there's an opportunity for the public to come and say something that might not be understood by Board members and what you say would be taken into consideration. Now if you were to say something that would influence us in the matter that we recognize something that should not take place or cannot take place that we didn't know about we would take that into consideration. Nobody has brought up anything...

Gentleman: Do you know that the people at the bottom of the hill are going to get flooded?

Mr. Darcangelo...nothing has been said at this point that would say our action would be incorrect if we were to approve this. The fact that what might happen to the property in the future and how that might impact a downgradient home, someone's driveway, or the people who live above...the idea of driving wildlife out has no consideration of what we're doing; however if someone were to develop it that would be our consideration at that point. Right now, someone is asking to subdivide a piece of property. They have all the right to do that, they have done it legally, they have presented it to us that it's legal...the fact that someone doesn't like the idea of it or is fearful that it might result in something that could impact their property in the future...

Woman: Again, we don't know the Code and we don't know the law...we're not educated enough. We weren't given a notice in the mail that said, here are things to consider, please come if you have concerns of this nature.

Gentleman: It was this is happening tonight at 7:00. There wasn't even a map...oh yeah, it says maps are available, drive to the Town offices and look at it.

Mr. Darcangelo stated that he believes the Engineer and Attorney have done a pretty good job of presenting what is happening. I can appreciate what you're saying in the sense that the notice doesn't necessarily give you a real great understanding as to what's happening; this meeting is an opportunity to do just that, explain to you what is happening and I think we've ben over backwards to explain what is happening and how it plays into the role that this Board plays in consideration as to whether the request is approved.

Gentleman:what I hear from the rest of the people in this room, nobody bent over backwards to tell us why you're approving this or tell us how you're approving it. I don't feel like we were heard at all, I think we were here just because the State law states that we've got to be here. According to the attorney and engineer, this is happening.

Mr. Frateschi stated that the owner has come in with an application for a three lot subdivision. This Board has a responsibility to look at that application on behalf of the Town and to determine whether the property owner has met the standards of our Town Code and State law. Once a Board determines along with the advice of the attorney, advise from the engineer, that all of that has been properly done...to deny a subdivision like this would dispose the Town to significant liability in terms of the property owner. The property owner can then sue the Town and say, you didn't follow your own law and therefore we're going to sue you and I'd have to go to Court and explain to a Judge why the Town didn't follow it's own law, or the State law and the Judge would say, you're supposed to follow the State law and you're supposed to follow the Town Code. Keep that in mind when we're going through this process. There are obviously two sides to the story to make sure that from a legal standpoint, my job is to make sure that what the Town does is done properly. The engineer's job is to make sure that from an engineering standpoint what the applicant is requesting can be justified from an engineering standpoint. That's what our jobs are. That's why the Town hires us, to do those things. We've spent 42 minutes explaining all of this to you. It doesn't happen often, so we're happy to hear the input from the neighbors, what the concerns were...seems to me that the biggest concern is putting more houses on the 4.7 acres of land and I think we've told you that that isn't going to happen tonight.

Gentleman: Tonight.

Mr. Yager stated that the only way you can prevent that from happening is to purchase the property. We don't have a way to prevent that from happening. I understand your concerns, I'm not discounting your concerns. I've dealt with most of the residents along 370 in the past; I know you have drainage issues, I know you have wet backyards, I know there are springs all over that hillside and I understand your problem. Unfortunately, it's at the bottom of a hill and there's not a lot the Town can do to address that problem from a legal standpoint. You own a property at the bottom of a hill. You have to mitigate the water that flows onto your property and protect your home and that is a private property owner responsibility. It's not a government responsibility; it's a property owner's responsibility. There's no funding mechanism to fix it. State law says we can't spend municipal dollars or public funds on private property. There's nothing we can do about that. From a drainage standpoint from an increase in run-off quite frankly you have a forest floor situation which has a very low coefficient (unclear) run-off probably comes off of the floor at a much faster rate than what it would come off a lawn. If somebody cleared up there and put in lawn the actual rate of discharge from that lawn area that they cleared would be lower than a forested floor situation. There's another engineer that's on the Board that can back me up on that. It's a scientific fact, so if anything, if somebody puts in lawns up gradient of those homes it should actually reduce the rate of run-off that reaches your homes.

Gentleman: I think they're worried more about when they start building a foundation, underneath that frost line...you're putting in a concrete foundation that's going to divert that water from its current path. It's got to go somewhere, we all know water takes the path of least resistance.

Mr. Yager stated that the path of least resistance is down that foundation wall into the sump pump of that home that's constructed. That is the bottom line. Everybody up there has a very active sump pump. There are springs everywhere, everybody knows that, it's a very well-known issue the neighborhood is called Indian Springs, there's obviously a reason for that. It has very active groundwater conditions.

Brenda Cook, 2246 Connell Terrace, a number of the neighbors came together to try and purchase the land, we were told that when negotiations stopped that it would not be sold because they did not want to a subdivision. It would have to be sold as a whole piece. So that's where we are. I was under the impression or told that that land is held in trust by Collien Harney for Bonnie Fletcher and I wanted to know is Collien Harney on board with this sale or is this coming from the other property owners. Is it held in a trust, has the trust been dealt.

Karen stated that Collien Harney is the property owner, her sister is Bonnie Dexter, Bonnie resided in the home. Collien is doing this for Estate purposes to take care of her sister. They're keeping the family home and creating one residential building lot for a family member that may want to build on it later.

Brian Cook, 2246 Connell Terrace, stated that what he hears is all the Board can do tonight is redraw the building lines, that's all your charged with. My question would be does the Town on some level have responsibility to the citizens and homeowners that are already there. You must in certain circumstances say no this house cannot be built here because of these reasons...you can't just say, yeah go ahead and let other residents deal with the problems. There must be a point that these things are taken into account. My question is, I hear that we don't have a lot of input in this process but is there a way where we do have input and discuss these other serious issues? When it rains there are ponds all throughout that. The land is absolutely soaking wet, is it not in the Town's best interest to consider how it's going to impact its residents. Would we have input at some point to discuss the concerns of people on 370 as well as the rest of us.

Mr. Frateschi stated that he believes the question relates to the existing drainage in the area and the impact of more houses being built on the remnant piece. We are talking about at the very most two additional houses, one on a 4.7 acre parcel and one on a 1/3 of an acre parcel. The engineer would definitely consider drainage on those two parcels...what's the density, how many houses will be built and whether it will be a significant impact as a result of that. I believe that the answer today is there won't be a significant impact because there has been an analysis done.

Mr. Cook questioned why you wouldn't take into account the drainage on the remnant as well as the lots on Dexter Parkway.

Mr. Yager stated that right now, even with just one subdivision for the existing home, they could construct one additional home there. It is entitled by the existing Town Code to do that. Any lawn that is put in associated with new home construction will reduce the peak flow rate from the

property being developed to downgradient parcels. There are no mapped wetlands, no State or Federal mapped wetlands on that parcel that need to be considered. The soils maps don't indicate hydric soils. It is developable land, just like your land where your home is, it was forest and developed.

Mr. Cook stated that most of the land on that remnant is lawn and we mow it and we take care of it, and we cut down trees and all of that....

Mr. Yager: So, you're saying you're trespassing on private property. The Town Planning Board doesn't have authority to say that you can't do that, however you should probably not be vocally expressing that in a public forum.

Mr. Cook stated that he doesn't really care if people hear me say that. For years and years and years that property has been taken care of. It's fully lawn, it's all seeded in, it's like a beautiful State Park, so if that's preventing drainage I don't know what else is going to. In any case, is there a point in this process, beyond here that we can have input to express our concerns and someone will hear them.

Mr. Frateschi: About what, drainage?

Mr. Cook: About drainage, road, the impact on the neighborhood, anything...a developer can come in years from now and say I want to build two or three houses, if they did, could we say this is a problem. Would someone hear us or it doesn't matter.

Mr. Frateschi stated that if they were going to build four or five houses and disturb more than one acre they'd have to prepare a Stormwater Pollution Prevention Plan, present it to the Town to make sure that they way they are managing stormwater because of the disturbance of more than an acre of land would be managed on the property. Here that's not the case because we're only talking about two lots.

Mr. Cook: If a developer did come in and say that, would there be a possibility for input?

Mr. Frateschi: Of course.

Mr. Darcangelo: Quite honestly, be assured that when you say things we do listen. The idea that we had our minds made up when we came in...this is a very simple subdivision so there's not much really for us to take into consideration; but on other actions that we take when the public speaks we're listening and we're taking those into consideration so I hope you don't think you came in and there's no one listening to you; we're listening to you; quite honestly we don't hear anything that necessarily impacts the decision, but often we do. When the public speaks we listen, take that into consideration. I want you to feel that.

Mr. Cook stated that he understands. All I wanted to know is can we have input at some other point or even in that process, is that a done deal, as long as they meet the requirements it doesn't matter what the neighbors think.

Mr. Frateschi stated that it depends on how much development is actually going to take place. If it's five or six houses you're into a different construction pattern of disturbance.

Mr. Kimball stated that at that point you'd be at another subdivision, which means a whole other process.

Mr. Frateschi: Plus, a road...once you start building roads, putting utilities in, then it's a much bigger project.

Mr. Cook: If it meets all the Code for the Town Engineer then it doesn't matter if we have input, it's a done deal.

Mr. Frateschi stated that the Board would have to review the project engineers work, you could hire your own engineer to see if they have a different opinion, then those types of discussions would take place. I just keep going back to the same thing. This is a two lot subdivision.

Mr. Kimball stated that right now we're looking at Lot 1, it's defined where a house can go if someone were to buy it. We have no idea of where a house could go on that remnant parcel. Logically it would be somewhere close to Dexter Parkway, otherwise you'd be talking about a long driveway, pipes, electrical connections...if somebody decided to put it back here behind ### Connell Terrace, could be stop it at all if we then felt that these people down here that front

370 would get more downfall? Would we make them do anything or could they just go ahead and build a house with a long driveway?

Mr. Frateschi stated that in his opinion, the remnant piece is not defined yet, but we assume it's a buildable lot, if somebody ever put a house on that remnant piece they would have to come in with a building permit, show a survey and the Code Enforcement Officer would look at it to make sure it meant all of the requirements for a building permit. I assume they would talk to the Highway Superintendent and the Town Engineer about a driveway to make sure it's properly constructed. It would no longer be in the purview of this Board it would be in the purview of the Code Enforcement Officer.

Mr. Kimball stated that if someone did want to build it back here (indicating on the plan) there might be people with concerns, probably down on 370 as opposed to Indian Springs.

Mrs. Pedrotti stated that the sale is pending already for the remnant piece.

Mr. Frateschi stated that the remnant piece doesn't exist at this time.

(Considerable discussion with regard to the classification of the remnant piece being a buildable lot).

Mr. Frateschi stated that It's called a remnant piece because we are assuming the owner of the property doesn't intend to build on it.

Mrs. Pedrotti stated that you're missing our whole point by saying it doesn't exist, but we are predicting that once this goes through with Lot 1 and 2, this leaves Lot 3 to who we assume from conversations that there is a person who wants to buy 3, so we know it exists, so once this goes through and you approve this, there is a person out there tomorrow who will take this land and will build right behind our house, right in the woods, right behind our land, right behind our swimming pool, right behind our shed, right behind our deck. So, you're sitting there saying we can't predict down the road, down the road, down the road, well we know what the family of Bonnie Dexter will do because she cannot sell to us, she is selling to a person that exists. We know for sure there's somebody out there and as soon as you approve this we lose our backyards to somebody who is planning to build right behind us.

Mr. Yager stated that you're not losing your backyard, you're losing property that you're trespassing on.

Gentleman: Per your answer to Mr. Kimball's questions, yes they can build anywhere on that remnant piece.

Mr. Frateschi concurred, as long as it meets all of the setback requirements.

There was some discussion with running sewer back into the remnant piece.

Mr. Yager stated that you're limited on grade as to how far you can bring a lateral back and that is controlled by the sewer that's on the east side of Dexter Parkway. Whoever the applicant is that buys this remnant piece will need to come before the Town Board with contract drawing approval to cross the right-of-way, construct a lateral tap on the east side of Dexter Parkway into the existing Town sewer. There is another step to this process. That step does not require a Public Hearing.

Gentleman: According to the Town's attorney this is one step that we've already been told the only reason we're here is the State law says we have to be invited. Now you're talking about steps further down the road that don't require input at all, that's left to you guys.

Mr. Yager stated that it's not a Planning Board function, it's a different Board, the Town Board needs to approve any sewer connection because it's a Town owned sewer..

Mr. Corey stated that despite what you might think we have listened to a lot of discussion. This is probably the longest Public Hearing in my 12 years for a simple two lot subdivision that I have come across, but it was good, hopefully you now know what the role of this Board is in the process. From what our engineer said, you should probably take some comfort in if the Board does approve this subdivision tonight, which it probably will be because it meets all of the requirements and standards that this Board operates under, it will be a step that will prevent any kind of large development on the remnant piece by limiting frontage on the road. Be that as it may, we can't give you definitive answers to some of your questions because it's speculation. If somebody is going to step in and buy that lot, they can do it, but to go beyond one house there's going to be a series of other meetings with this Board as well as the Town Board and will have

ample opportunity to discuss that you've raised here tonight. I want to thank you all. At this time, I want to close the Public Hearing and move on with our agenda.

The Public Hearing closed at 8:07 p.m.

PUBLIC HEARING -- 7:05 p.m.

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| 2. Minor Subdivision
Case No. 2023--017 | Sick, Dennis
2814 Cold Springs Road |
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The Public Hearing opened at 8:13 p.m.

John Corey, Chairman, questioned if anyone had any questions with regard to the Sick Cold Springs Road Minor Subdivision.

There being no representation, Al Yager, Town Engineer, stated that this property is an AR-40 zoned parcel; there's currently a home on 370. The owner has constructed a barn that he would like to convert into a home. As presented the map meets the requirements of the Town of Lysander Code for two lots, Lot 1 with the existing home and Lot 2 the piece that already has a barn constructed on it; already has a curb cut constructed on it.

The Public Hearing closed at 8:14 p.m.

II. APPROVAL OF MINUTES

Review and approval of the minutes of the November 9, 2023 and December 14, 2023 Planning Board meetings.

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

RESOLVED, that the minutes of the November 9, 2023 and December 14, 2023 regular Planning Board meeting be approved as submitted.

5 Ayes -- 0 Noes

III. OLD BUSINESS

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| 1. Minor Subdivision
Case No. 2023--017 | Sick, Dennis
2814 Cold Springs Road |
|--|--|

There is a letter on file prepared by Al Yager, Town Engineer, dated January 11, 2024 that will be read into the record, in part:

I have completed my review of the Final Plat for the Sick 2418 Cold Springs Road Minor Subdivision, prepared by Applied Earth Technologies, dated October 17, 2023. The plat as presented appears to meet all of the Town of Lysander Code requirements. There are a few issues however with the parcel that should be resolved, which include verification that the septic system for the home on Lot 2 has been approved by the Onondaga County Health Department and confirmation that the previously acquired NYS DOT access easement on the western portion of the property has been abandoned. I would not be opposed to the Planning Board approving the Final Plat conditioned on the applicant providing clarification of these comments.

Steve Darcangelo questioned if there were any setback requirements for roads/driveways. Also, are shared driveways that cross property ok.

Mr. Yager stated that there are no setback requirements. With regard to shared driveways with the internal roads crossing property it's a private property matter. If they want to file an access easement to allow that existing home to use it they can, if they say not it will have to be separated.

Mr. Darcangelo reiterated that he's not a fan of horseshoe shaped parcels, but there's nothing in the Code to prevent it.

Mr. Yager concurred stating that you can't make somebody create more lots than they want to create.

Karen Rice, Clerk, stated that the maps submitted this evening for both Sick and Harney/Fletcher are Preliminary Plans. We will need a condition requesting Final Plans.

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

RESOLVED, that having reviewed the Minor Subdivision application, as defined on a map dated October 17, 2023, prepared by Steve Sehnert, Licensed Land Surveyor, associated with the application of Dennis Sick, JD Sick, for property located at 2814 Cold Springs Road, Tax Map No. 050.-01-04.1 and 059.-01-08.1, Baldwinsville, New York, is hereby approved with the following conditions, if any:

- 1) Conditions and/or comments of a letter prepared by Al Yager, Town Engineer, dated January 11, 2024 be met; and
- 2) A Final Plan dated January 11, 2024 be submitted.

5 Ayes -- 0 Noes

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

RESOLVED, that in granting a subdivision to Dennis Sick, on behalf of JD Sick, for property located at 2814 Cold Springs Road, Baldwinsville, New York, the Planning Board invokes its right to impose a fee of \$250 per lot for one (1) lot in lieu of land for the development of parks, playgrounds, recreation or open land areas in the Town.

5 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.

2. Minor Subdivision
Case No. 2023-018

Harney, Collien/Fletcher, Chad & Tina
8115 Dexter Parkway

There is a letter on file prepared by Al Yager, Town Engineer, dated January 11, 2024 that will be read into the record, in part:

I have completed my review of the Final Plat for the Harney/Fletcher 8115 Dexter Parkway Minor Subdivision, prepared by Applied Earth Technologies, dated November 29, 2023. The plat as presented appears to meet all of the Town of Lysander Code requirements. A survey of the 4.7 acres of remaining lands will need to be provided before a building permit is issued for that lot. The applicant must also receive construction drawing approval from the Town Board for construction of sewer laterals that will be required to develop Lot 1 and the remaining lands. I would not be opposed to the Planning Board approving the Final Plat conditioned as presented.

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

RESOLVED, that having reviewed the Minor Subdivision application, as defined on a map dated November 29, 2023, prepared by Steve Sehnert, Licensed Land Surveyor, associated with the application of Chad and Tina Fletcher, on behalf of Collien Harney, for property located at 8115 Dexter Parkway, Tax Map No. 036.-07-19.3, Baldwinsville, New York is hereby approved with the following conditions, if any:

- 1) Conditions and/or comments of a letter prepared by Al Yager, Town Engineer, dated January 11, 2024 be met; and
- 2) A Final Plat dated January 11, 2024 be submitted.

5 Ayes - 0 Noes

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

RESOLVED, that in granting a subdivision to Chad and Tina Fletcher, on behalf of Collien Harney, for property located at 8115 Dexter Parkway, 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.

5 Ayes -- 0 Noes

All fees associated with the 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.

Tina Fletcher thanked the Board for their time.

IV. OTHER BUSINESS

Onondaga County Listening Tour: Housing Needs Assessment

A series of 'workshops' will be held to help shape the County's recommended housing policies, strategies and solutions. Prior to the workshop of your choice, the Board is asked to address the following questions:

- 1) In your position as a board member, what issues and opportunities related to housing are you seeing in your community?
- 2) In what ways are your municipality's housing needs changing right now? What do you think the housing needs will be in your community 10 years from now?
- 3) Is the current manner of land development effectively supporting the population of your Town/village/city?
- 4) What type of housing developments would best support your municipality's current needs?
- 5) Which local policies and/or regulations are enabling your municipality to effectively address housing needs?
Which policies and/or regulations are preventing or making it challenging to effectively addressing your community's housing needs?
- 6) In your experience, what are some of the potential risks to existing housing stocks and neighborhoods with older housing stocks in your community?

John Corey, Chairman, stated that the Comprehensive Land Use Plan addresses many of these issues and have presented a vision and direction for the Town.

Matt Hunt concurred stating that having been part of the CLUP Micron and future development was part of the discussion during that process. I think we're in a good position. I'd like to avoid the sprawl than some of the other neighboring communities because that's one thing about Baldwinsville, we're a bustling busy community but we have a small-town look and feel to us and I'd hate to lose that.

Al Yager, Town Engineer, stated that he doesn't feel the Town needs to take any action to change our Code to accommodate future housing. Development is pretty steady. Do I think we'll see increased pressure and increased requests for development in the next ten years, absolutely. Do I think the Town is well situated with the parcels that we have included in the Incentive Zoning Overlay to meet that need, yes. I think the response is as simple as that. We have designated areas where high density residential development is possible and would be accepted.

Steve Darcangelo added...and preferred.

Mr. Yager concurred stating we have addressed those areas and I think those areas we have identified will allow us to preserve the character of the Town that the existing residents hold near and dear.

Mr. Darcangelo stated that he questions if the Town may need temporary housing during what locally will be considered a fairly large need for temporary construction workers. How does the County anticipate to handle that...Air B & B's, short-term rentals? Some people love it, some people hate it. I guess it has its pros and cons, but it's difficult to act on anything without knowing that.

Mr. Corey stated that he thinks the County pretty much has its own vision of what they expect to happen and they're hoping these meetings will get input to verify what they're coming up with with regard to their development plan. Per Steve and Matt...we have put a lot of work and effort into looking to the future, not that far out, ten years, and we have a vision for the Town. We have goals for the Town. We have laws and zoning right now that give us opportunities to have more development if it's needed, high density through IZ if it's needed already on the books. We just need to monitor the situation and see as we move down the road in two, three, four years maybe we need to revisit the vision/CLUP and it might need some modifications. It might be as simple as new Town Codes and Zoning.

Mr. Yager stated that if we are going to write to the Town Board with the Planning Board's comments we should plug that the Baldwinsville By-pass will eliminate additional traffic congestion at the four-corners of the Village and needs to be considered and funded.

Mr. Darcangelo stated that we just approved a subdivision based on the fact that they abandoned that Baldwinsville By-pass Easement.

Mr. Yager stated that either way there's going to have to be a right-of-way taking...

Karen Rice, Clerk, stated that the new pole barn at the Baldwinsville By-pass Intersection is right in the middle of the path that it was proposed to take.

Mr. Yager stated that it will have to be purchased by the State and demolished if they are to construct in that location. Those would be considered minor costs in the whole development and construction of that bridge across the Seneca River.

Hugh Kimball stated that in the previous CLUP we were told that the State isn't buying more land or building more roads.

Mr. Yager: Everything changed with Micron, that is a reality and in the best interest to the Town to plug the construction of that By-pass every chance we get.

Mr. Kimball stated that it's probably not likely but I agree with you.

Doug Beachel stated that he looked at the Census data of where we are. From 2010 to 2023 we're 1200 more people than we were over the last 20+ years. We're basically flat. I asked Karen for housing starts, she has been tracking this for years and years. The high is 117 new single family homes a year, the low is 24...it has been steady with apartments here and there. The market will tell us if we need more and it hasn't. I think we're well-positioned. Technically it's speculation, MICRON, sure but who knows...20 to 75 homes per year for the next 20 years we may very well have the same population.

Resignation of Tim Frateschi, Planning Board Attorney

John Corey stated that it's with a little bit of sadness and trepidation that we have to say Goodbye to our attorney tonight. I have such a deep appreciation and gratitude of your expertise and the service you have provided this Board. Thank you for everything, it was greatly appreciated and Good Luck on your next endeavor.

Tim Frateschi, Esq, thanked the Chairman and offered to those who don't know, I started my career as a Public Servant and I intend to end my career as a Public Servant. I am going back to the District Attorney's office and will do that for a few years. This was my last Board meeting of all time and I couldn't think of a better place to do it than the Town of Lysander. I have been representing the Town of Lysander since 2007 or 2008. I've represented the Town of Manlius for 20 years, so I've had long-time clients. I'm proud of that. I'm proud of the fact that my clients have entrusted me with a big responsibility. I am always impressed with our Boards, even though you're paid a little stipend, you're essentially a volunteer Board that sits through meetings that are not easy sometimes and you all deserve a great deal of admiration for what you do. I'm leaving you in good hands with Amelia. Amelia is an environmental attorney. She will do a fantastic job. I feel confident and comfortable that Harris Beach will be able to supply all the needs of the Lysander Planning Board and I want to thank you very much..

The Board welcomed Amelia aboard.

Peter Hansen, Longview Terrace, stated that he believes the Board really does listen. I believe anything that we send you written or electronic are read and act on it when appropriate. I am impressed every time I come to a Planning Board meeting by how smart you all are and I just want to thank you.

Mr. Corey stated that the Board appreciates that comment after this evening's meeting.

Mr. Frateschi stated that sometimes the public just doesn't understand. The purpose of a Public Hearing isn't to allow the public to oppose something, it's an opportunity for the public to provide information to the Planning Board that they might not have access to. We don't listen to the public and say, ok 9 against it, 8 people spoke for it...9 wins. That's not the purpose of a Public Hearing. I am noticing the conduct of the public is much more adversarial, challenging...I hope it's not a sign of our society but it seems to be, like it's ok to be rude, call people names, point your finger in somebody's face...it's not.

V. ADJOURN

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

RESOLVED, that the January 11, 2024 regular Town of Lysander Planning Board meeting adjourn at 8:50 p.m.

5 Ayes -- 0 Noes

Respectfully submitted,

Karen Rice, Clerk
Planning Board