

TOWN OF LYSANDER
SPECIAL PLANNING BOARD MEETING
8220 LOOP ROAD
Thursday, October 27, 2016 @ 7:00 p.m.

The special meeting of the Lysander Planning Board was held Thursday, October 27, 2016 at 7:00 p.m. at the Lysander Town Building, 8220 Loop Road, Baldwinsville, New York.

MEMBERS PRESENT: John Corey, Chairman; Joanne Daprano; Hugh Kimball; William Lester; James Hickey; Steve Darcangelo; Jerry Hole

OTHERS PRESENT: Al Yager, Town Engineer; Tim Frateschi, Planning Board Attorney; Frank Costanzo, Zoning Board of Appeals; Peter Moore, Town Board; Bob Ellis, Town Board; Ron Merle; Mike Stock; Julian Clark, Plumley Engineering; Vincent Kearney, Belgium Cold Springs Fire Department; Frank O'Donnell, Zoning Board of Appeals and Fred Burtch

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

I. OLD BUSINESS

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| 1. Major Subdivision
Case No. 2016—008 | Cabbage Patch
Whispering Oaks, Section 4
8185 Emerick Road |
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John Corey, Chairman, stated that this is a special meeting to review the subdivision application for Cabbage Patch, Whispering Oaks, Section 4. Our intent was to go through our normal process of reviewing the application, having questions, discussions and then taking a vote on the application. Unfortunately there were some changes made at the last minute and as a result we don't have all of the complete documentation we need to vote on it tonight. However, what we will still go through the process of having the applicant make their presentations, having questions and discussion. We will also read into the record the comments we received from County, the engineer's letter and we will discuss the draft resolution that we prepared to vote on tonight. Depending on how tonight comes out we will be in a position November 10th, our regular meeting, and the only action we'll need to take in is actually vote on the resolution.

Julian Clark, Plumley Engineering, represented the applicant. We received approval from the Town Board for Incentive Zoning on the property; which allows us to do a greater number of lots, a little bit smaller size than the normal zoning. We currently have thirty-five (35) lots proposed. Access will be off of Emerick Road, opposite of Irene Drive and Rubicon Road, which is the existing stub road in Whispering Oaks. There will be public water, sewer and stormwater within the subdivision.

(A lot of background noise for several minutes with what sounded like maps and paperwork being laid out)

Mr. Clark discussed the drainage plan along the east side of Whispering Oaks down to Route 370.

Mr. Clark discussed the phases of the project, the first being the connection to Rubicon; Phase 2 being the connection to Emerick Road with Phase 3 being the cul de sac. We have agreed

that all construction will come off of Emerick Road via a construction drive at the start of Phase 1 construction. We have submitted all of the revised documents back to the Town Engineer, based on his initial comments. He has reviewed those and I believe generally found them acceptable. We forgot to send Steve Sehnert, Licensed Land Surveyor, the updated plan so he didn't have a chance to update his formal preliminary subdivision plan. That is where we got caught up in not being complete today.

Al Yager, Town Engineer, stated that the only change will be with regard to the private drives. Previously there were four lots on what would be on the west side of the road and one lot on the east side. The stormwater management area got a little bigger so they were forced to put two lots on the east side and three lots on the west side, as shown. The preliminary plat will need to be updated to reflect that with all of the distances for the lot lines.

Mr. Corey reiterated that all construction equipment will come in and out through Emerick Road.

Mr. Clarke concurred, stating through a construction entrance which will become a future road leading to...

Mr. Corey questioned when the connection with Rubicon actually occur and be open.

Mr. Clarke stated that there will be a connection to Rubicon in the first Phase. The first phase will be here (indicating on plan) with a temporary turn-around, so for Phase 1 all traffic will be coming and going from Rubicon for the developed lots. Phase 2 will be the actual public road connection to Emerick.

Mr. Corey asked what action, if any, could be taken to help ensure that the people driving the construction equipment and delivering materials know which road and how to get there.

Mr. Yager stated that that will have to be taken care of by signage at Emerick & 370; and at Rubicon saying turn around and go the other way.

Mr. Clarke stated that you're only talking one major contractor, the site contractor for the majority of the work. They will be informed. There are numerous inspections that have to be completed by myself as engineer and we can keep banging on them that this is the way you have to come in.

Steve Darcangelo questioned if the entrance down at 370 is a posted road.

Mr. Yager stated that it is a posted road.

Mr. Darcangelo questioned if it was posted by weight limit.

Mr. Yager stated that Emerick Road is not posted by weight limit.

Mr. Darcangelo questioned the other entrance...(at Ashington)?

Mr. Yager stated that it is not.

Mr. Darcangelo questioned if we could temporarily put a weight limit on that during the construction phase.

Mr. Yager stated that he believes you would need DOT's approval to put weight limits on roads. There would be a process you would have to go through to get the DOT to do that.

Jim Hickey questioned if the construction road will be maintained through the winter.

Mr. Clarke stated that if construction is going on through the winter, then yes the construction road will be maintained.

William Lester questioned the stormwater management plan.

Mr. Yager stated that it has been completed and looks good.

Mr. Lester stated that he's curious as to whether ground water infiltration and sump pump discharges were somehow accommodated as was discussed.

Mr. Yager stated that he looked into the sump pump discharge before. Sump pump discharge is considered as base flow to the system by the NYS DEC. It's a base flow condition that is not accounted for in the design flow for a storm event. So, that's to say that your sump pump is going to run much longer after a storm event than the storm event itself. It is considered a base condition flow because more than likely it's going to be running before the storm and long after the storm has passed. Those discharges by the DEC standard are not calculated in the flow calculations for the stormwater management discharge control structures. Essentially, you're trying to control the run-off from the storm, you're not controlling...if we have 35 houses, each with a sump pump that pumps 1 ½ to 2 gallons per minute at 7.5 gallons per cubic feet per second the total discharge for the whole subdivision is miniscule compared to a one year storm.

Mr. Darcangelo stated that that was the intention of the question when it was asked of the previous Plumley employee that was here...was to satisfy questions being asked by members of the adjacent neighborhood regarding that and that was my point. I thought that the calculation would indicate that the contribution from sump pumps was insignificant to the overall storm event flow.

Mr. Yager concurred stating probably less than a ½ percent of the total stormwater discharge flow rate for a one year storm event.

Tim Frateschi, Esq., stated that the stormwater actually slows down because it goes into the structure and then gets pumped out.

Mr. Yager stated yes, to some degree. The rate of infiltration is much lower than run-off on any kind of slope.

Mr. Frateschi stated that it's going to go out one way or another, it might slow down a little bit because it's being infiltrated through a basement as opposed to going straight out...

Jerry Hole...to ground water instead of surface water.

Mr. Darcangelo stated that he believes the public's question was, though was that...my sump pump runs at times of the year when there's not a storm, so I'm contributing water out onto the ground surface here. If you calculate the storm event do you also include the water that may also be pumped from these houses? I think the original question was no, the calculation didn't include that. My point of saying to Geoff (Hillenbrand, Plumley Engineering), was can you throw

a number at that, that would be practical because I think at the end you would see just that...that the contribution is insignificant to the storm event.

Mr. Yager concurred stating that your typical 1 horsepower sump pump is pumping a couple gallons a minute. Your stormwater run-off for a one year storm is 2.5 cubic feet per second, so with 7 ½ gallons per cubic foot is a miniscule portion of the run-off from the parcel.

Mr. Darcangelo stated that it was one of the concerns of the public and it's important to show them that it's an extremely small contribution to the overall flow rate.

Hugh Kimball stated that he was absent from the September meeting due to a vacation that was planned back in January, but I really appreciate the comprehensive minutes and I do have a few questions, mostly for Al or Julian:

- 1) There are apparently some Federal wetlands on this parcel; are there any problems with what is proposed?

Mr. Clarke stated that we have a permit to disturb this acreage here and this wetland down here (indicating on plan) is classified as isolated.

Mr. Kimball reiterated that Army Corp and DEC are satisfied with Mr. Clarke concurring.

- 2) What is going to happen with all of the trees and vegetation on the site? Are you only going to clear what you are going to put houses on as you go? How much land is going to be cleared as you go along?

Mr. Clarke stated that they will clear what they need for Phase 1 during Phase 1 and they'll clear the right-of-way for the streets...

Mr. Yager stated that there will be some bulk grading for the lots...so as they bulk grade those lots they're going to obviously place fill in areas where they need fill.

Mr. Clarke stated that they will save as many trees as possible. They are not going to go in and just clear cut.

- 3) At the July Town Board hearing, someone from the public raised concern about a sewer under a swale, is there such a problem?

Mr. Clarke stated that there's a forced main here (indicating on plan) that goes down in the same easement as the drainage swale.

Mr. Yager added that it's on the eastern edge of the existing Town easement. Quite frankly we couldn't excavate that force main with a piece of equipment staying in the easement where it is located.

- 4) County Planning seemed to talk about waste disposal in a way that kind of seemed excessive for what would be involved adding 35 lots to the sewer system. Do the talks with WEP indicate any real problem along those lines?

Mr. Yager stated that we're talking an estimated loading, this is a very conservative number that they use for this, of .22 pounds of BOD (Biological Oxygen Demand) load to the Wastewater Treatment Plant per person. With a 4 person household, you're talking .88 pounds per day, so

right around 31 pounds of BOD total loading maximum is anticipated for this subdivision. The plant is rated for 13,500 pounds per day and right now we're running right around 4,000 pounds, so this is a miniscule load for 35 houses.

5) Al...you wrote a letter October 18th to Julian...has that all been resolved.

Mr. Yager stated that they have resolved all of my comments with the exception of a couple little minor things that I caught during today's review that will be addressed during construction drawing and approval (cover on some culverts that I'd like to see a little deeper in the ground so we don't get deflection).

6) Tim...do we need to do anything at this point about the shared driveways, easements and all of that or does that pretty much happen automatically as we go forward.

Mr. Clark pointed out the shared driveways with Mr. Frateschi stating that we're in the preliminary plan process right now. Once we get to the final plan process, once it has all been developed then we'll probably get more into it with the review of the construction drawings...

Mr. Yager concurred...we'll ask for those deed restrictions so that we can review them and make sure they're accurate, but at this point in time for the preliminary plat it's not a requirement for the Town.

Mr. Kimball thanked the representatives for their patience and answers.

Mr. Darcangelo questioned if the sewers discharge to a force main?

Mr. Yager concurred.

Mr. Darcangelo: Are these force main (indicating on plan).

Mr. Clark stated that they are not, this discharges as the gravity portion. It drains to the pump station and is then pumped to the force main.

Mr. Darcangelo reiterated that we have enough BOD capacity at the treatment plant. Do we have enough hydraulic capacity in the forced main portion that gets from here down...

Mr. Yager concurred stating that the pump station itself has capacity for an additional 175 homes and the forced main has capacity for approximately 220 additional homes. We have more than adequate capacity in the Town's infrastructure to handle the additional load.

Mr. Corey stated that Mr. Yager has prepared an updated engineering comment letter to the developer; which references the October 18th letter; which is on file with the secretary.

Mr. Frateschi stated that the most recent letter will be part of the basis of the decision of the Planning Board on this application from a technical standpoint with regard to flood control and flooding, which was addressed by the Town Engineer. If there are conditions to that, they will be identified.

Mr. Yager stated that they have all been addressed with only minor modifications, road crossing culverts that are a little shallow.

Mr. Frateschi stated that any approval will be contingent upon whatever hasn't been addressed.

Mr. Corey concurred.

Mr. Corey continued stating that he'd like to read the letter prepared by the Town Engineer, into the public record, in part:

I have completed my review of the subdivision engineering drawings and SWPPP review for Phase 4 of the Whispering Oaks Project, as prepared by Plumley Engineering, with a final revision date of October 21, 2016. I do have a few minor engineering comments which will not affect the preliminary plat for the project that the developer's engineer will need to address prior to the Town Board granting construction drawing approval. At this time the engineering drawing and the SWPPP for the project are in compliance with the requirements of all New York State and Town of Lysander Codes. The engineering design process did result in revisions to the lot configuration, which are not included in the preliminary plat drawing prepared by Applied Earth Technologies, dated August 3, 2016, that was submitted with the subdivision application package. The preliminary plat for the project will need to be updated to match the engineering drawings for the project prior to the board granting an approval of this subdivision application for the project.

Mr. Corey stated that he'd like to read the Onondaga County Planning Board's Findings into the record as well, in part:

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board recommends that said application be DISAPPROVED for the following REASON(S):

The Town has not addressed the recommendations set forth in the prior Onondaga County Planning Boards resolution (Z-15-415) regarding application of the Incentive Zoning Overlay on this site, which offered the following:

As this project will likely set the precedent for future application of Incentive Zoning within this area from both a fiscal and site planning perspective, it is important to fully consider the project benefits, costs, and impacts both for the proposed site, but also for the entire Incentive Zoning area. Given these potential buildout implications, the wastewater strategy facilitated in part by this project, and the lack of certain fiscal impact information as required in the Comprehensive Land Use Plan for Incentive Zoning projects, the Board does not have adequate information to assess the impacts and merits of the project at this time.

The Board recommends more significant preliminary review, to include not only the applicant's quantification of provided benefits, but also Town analysis of the fiscal impacts of the proposed project and financing strategy for the proposed sewerage of additional lands to the west.

As part of that preliminary review, the Board continues to advocate for a more robust community discussion regarding support for the proposed development and the proposed sewerage strategy for properties to the west, including identification and notification of potentially affected property owners, presentation of upfront and life cycle costs and likely funding sources, and potential direct expenses and property tax implications to affected existing

homeowners in the area and town wide. Reliance on increasingly competitive state grants at a date well into the future to offset the vast majority of capital costs is a risky strategy, especially in light of significant anticipated costs for sewer expansion the Town is also pursuing on the Peninsula - which may likely rely on the same funding strategy.

The Board also offers the following for consideration as part of the Incentive Zoning review process:

In order to better meet the open space and farmland objectives of the overlay district, the Town is encouraged to consider farmland and open space buffers at minimum in locations bordering farmland as part of the incentive zoning review, in order to ease the transition from developed land to farmland in this area.

The Board also encourages consideration of a more detailed planning process for the Incentive Zoning area prior to subdivision approval on a site by site basis, to ensure desired outcomes from dense buildout. Items to consider include wetland/woodlands protection, agricultural buffers, and road network planning to both minimize municipal cost and maximize interconnectivity.

The Town should also continue to work with WEP, the Village of Baldwinsville, and the Town of Van Buren in developing a mutually acceptable allocation plan which prioritizes allocation of limited wastewater treatment capacity within the Baldwinsville-Seneca Knolls Wastewater Treatment Plan to the highest quality and most cost-effective uses and locations within the service area.

Mr. Corey stated that there are three gentlemen in this room, Al Yager, Bill Lester and myself who sat in those meetings with WEP when they talked about that. I can assure you that the Town Supervisor, who was the leader of our group, assured them that we are open to that idea; we are willing to pursue talks and have had some talks. But...the practical reality is that it's not something that is likely to occur very quickly because there is, shall we say challenges in getting communities to give up part of an allocation and limit their planning; but we said we would work towards it. Our reality is we're faced with development opportunities now that cannot wait for a twelve month, twenty-four month, thirty-six month...whatever it might be process, to see if we could even come to this document. So, I put on the table that I don't think that's an issue we should be concerned with.

Mr. Darcangelo questioned if we know where the concern that the County comes from with regard to the numbers that Al just gave us....it doesn't appear that we're at a point where we need to start allocating capacity at this point. It sounds like there's a lot of capacity.

Mr. Yager stated that quite frankly what the County Planning Board references in their resolution does not jive with the data that the County submits to the DEC on an annual basis for their BOD loading of the plant. Their BOD loading from 2011 and 2016 on average has gone from over 6000 pounds a day to 4000 pounds per day. These numbers are according to the DEC. The idea that the plant capacity is strained at this time does not seem to be supported by the data they published

Mr. Lester added that this was a dramatic change from the County Planning Board's attitude throughout the two year development of the Comprehensive Land Use Plan. Many of the comments in the County Board's resolution disapproving this project are in direct conflict with

the Incentive Zoning application they approved when they reviewed the Comprehensive Land Use Plan. Something changed in the period between then and now.

Mr. Kimball stated that he would agree with that.

Mr. Darcangelo stated that personally he would be disappointed if sometime in the future, particularly in the near future, if commercial and industrial development, job opportunity development, were to be blocked because of inadequate capacity at the treatment plant because we used the capacity up with residential development. I would be concerned with that, but your numbers don't indicate that we should be at this point.

Mr. Yager stated that he'd be happy to share the graph that WEP produced that outlines that. Another thing that's really worth noting on that, that's approaching the design capacity.

Technically the SPEDES Permit that the Wastewater Treatment Plant operates under limits their effluent discharge limits. They cannot even request by NYS Environmental Law...they can't even request or demand an allocation strategy until they have exceeded the capacity loading of the plant for 9 of any 12 month period. They don't even have the right to demand that at this time, until they have exceeded the design loading capacity for the plant for 9 of 12 months. So far we're not even operating that plant at 30% of what its capacity is.

Mr. Lester questioned the hydraulic capacity.

Mr. Yager stated that the hydraulic capacity is operating at less than 20% of the plant capacity. That plant is a huge investment of tax payer dollars that quite frankly is being under-utilized and they're about to spend another \$24 million on upgrades to it...and maintenance costs because it was built in the 70's. You have a 40 year old plant with things that need to be replaced, mechanicals. The argument that the County is making doesn't hold water by the data that they published.

Mr. Hickey stated as we look to development on this side of Town, Riverbend and Seneca Estates is on septic)...that current line has capacity for 175 homes and there has been discussion about getting sewers to that community, which isn't something necessarily I would want, but where are with that....being on the river and all the things that go with it?? If somebody comes in and says, 'hey, there's sewage going into the river, you have to fix that'. What is the...

Mr. Yager stated that, quite honestly, do I see that happening in the next decade, I don't know, I don't have a crystal ball. I can say we have experienced it before in the Town in the West Phoenix neighborhood. The DEC issued a Consent Order and the Town was forced, under Article 12A of NYS Town Law, to form a District by Town Board resolution, get a grant and bond for the match of the grant to sewer that neighborhood. The reality of it is, the water quality improvement grants, quite frankly get awarded to areas that are under Consent Order. If you're under a Consent Order it makes the grant application score very high in their review process. Do I anticipate sewers coming to Seneca Estates without a Consent Order, nope and the reason being the debt service cost to all of the individual residents would be absurd and insulting. The reality of it is, if we can collect some money from the developers and get the sewers closer to Seneca Estates the cost for the infrastructure to connect to that pump station goes down because the sewer is that much closer and hopefully we can have a nice lump sum of money in the end to apply towards the match of any water quality improvement grant that may be awarded to even further reduce the debt service for the match.

Mr. Lester stated that the County agreed to that when they approved this particular incentive zone overlay to include properties to the west of the current development.

Mr. Yager concurred stating that you're essentially taking almost 5/10's of a mile of sewer main that would have to be constructed back to the existing pump station out of the equation if you don't develop from the west side of Whispering Oaks to Dunham Road.

Mr. Hickey added that the sewer line doesn't have the capacity to pick up a neighborhood like Seneca Estates, with 107 homes in there.

Mr. Yager stated that it does. We have duplex pump station there with a wet well that is 30 years old. The reality of it is the life expectancy of a wet well like that is 40 to 50 years before you're looking at replacement or relining. We also have a 15,000 gallon overflow tank that can be used in times of high flow until the pumps catch up We could add a third pump that wet well; we could resize that wet well...there are many options available as we move forward. I anticipate that if and when the land west of Whispering Oaks gets developed, some of the things we may ask for are upgrades to that pump station to add a third pump to make sure that we maintain capacity for the Seneca Estates and Riverbend neighborhoods.

Mr. Lester stated that that is why the force main has greater capacity now than the pump station.

Mr. Hickey asked if the incentive overlay was removed from that area, does that change anything.

Mr. Yager stated that if the incentive zoning area is removed from around Whispering Oaks, if and when the DEC issues a Consent Order for the Seneca Estates/Riverbend neighborhoods the cost for sewerage those neighborhoods will be significantly higher.

Mr. Hickey stated that the only reason he asked that is because there is a letter that has been sent out by the Town to look at those areas as potential removing of them...its part of the bigger picture in the planning process is this Board understanding the impacts of that region of the Town with decisions we make.

Mr. Frateschi stated that given the discussion that just took place, to put it into context, Onondaga County Planning has provided a resolution where they disapprove the subdivision. Under Section 239m of the General Municipal Law you can overturn that decision by a majority vote plus one. While the design on their part may be that they want to control what can and can't be done in terms of sewer, you still have the local control by overturning/overriding that decision of the County Planning Board. I think, based on all of your discussions and based on what I've just heard...I don't understand why they are so adamant about this, especially given the capacity of that system. So...I'm just saying all of this for the record so that if you do overturn them by a majority plus one you have a very good discussion and rational for why you would do that.

Mr. Corey concurred stating that he would echo Tim's words that it has been an excellent discussion. Further, my observation as a member of whole process that has gone until now with WEP. I was in the meetings with them as were others...the first time they rejected this subdivision proposal their primary rejection was based on capacity. Al and Bill worked and put together figures using their own data to show them capacity was not an issue, at least as they report their data. We went and had a meeting with them; at that meeting lo' and behold they

gave us data, the first time, their own data, and kind of said, 'well maybe we haven't been calculating it right and yeah, we do have capacity'. My impression is this, there is some agenda, I won't say what it is, other people have, that the County has...every time we answer their questions and show them a valid answer to it, they come up with another issue. Maybe on the bottom line its best put it this way and wrap this up. Myself and the members of this board work for the Town of Lysander and the residents of Lysander, not for the County and we will, based on the Codes and Regulations we operate under, do what we feel is in the best interest of Lysander. Enough said.

Board members concurred.

Mr. Corey stated that each of the board members received a draft copy of the resolution that we will be voting at our November 10th meeting...have you all had a chance to read it and review it? Are there any changes that you feel, based on the discussion we had tonight and the materials we reviewed that we need to modify this resolution?

Mr. Hickey, *page 2, paragraph 3: a) \$1600 per lot payment to the Town (\$1600 X 35 lots) to be used to offset the cost of developing public sewer connections to residences that are now on septic in potentially vulnerable areas in the Town.* Didn't the original draft from the Town Board specifically state Seneca Estates? My only question with that is, if those are different does that impact anything down the road?

Mr. Corey stated that the original did say Seneca Estates but it was later demonstrated that it was not proper procedure to specifically identify a use, so the language was changed to speak to wherever it may be required in the Town.

Mr. Frateschi stated that based on the discussion today, I've made some notes in terms of things we might want to add, specifically about the question Steve and Al addressed. We will add a paragraph to explain that situation because it was an issue and it was a question that was raised by the public. It will be addressed in the resolution more specifically. I will probably add some of the other information that Al provided about the hydraulic capacity. Further, there was a lot of good information that came out of the Public Hearing and I want to make it clear the purpose of a Public Hearing. The purpose of a Public Hearing is to provide the Planning Board with information that it might not know or be aware of. A Public Hearing is meant to inform. It isn't necessarily meant to say, there's more people against it, so we can't do it. That's not the purpose of a Public Hearing. The purpose is to provide information to the board, listen to it, reflect upon it, address it and if there are issues, how are we going to mitigate those problems. I don't want anybody to think that the conversations that take place during the Public Hearing are ignored. They're not. In fact they are listened to very closely and will be addressed in some way or another during the Planning Board process. Ultimately we're going to follow the laws of the State, we're going to follow the laws of the Town and make our determination based on those in terms of development and make sure any problems that are raised are going to be addressed and be mitigated if they need to. There's sometimes misconception of the purpose of a Public Hearing and I just wanted to address that tonight.

Mr. Corey thanked Mr. Frateschi and asked that the changes be made in the draft resolution and be resent to the board members.

Mr. Frateschi concurred.

Mr. Corey thanked the board for their time.

II. ADJOURN

Motion by Kimball, Second by Hickey

Motion to adjourn the October 27, 2016 special Planning Board meeting adjourned at 7:47 p.m.

Submitted by,

Karen Rice, Clerk