



J.Ryan McMahon, II
County Executive

Onondaga County Planning Board

RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: April 26, 2023
OCPB Case # Z-23-112

- WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a ZONE CHANGE from the Town of Lysander Town Board at the request of Landmark Challenger, LLC for the property located at Hayes Road and Cold Springs Road; and
- WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review the adoption or amendment of a zoning ordinance or local law and the site is located within 500 feet of Cold Springs Road (Route 370), a state highway, North Hayes Road / Hicks Road (Route 157), a county highway, a county-owned wastewater treatment facility, and a farm operation located in a NYS Agricultural District; and
- WHEREAS, the applicant is proposing to approve use of an Incentive Zoning Overlay on 6 parcels totaling 292 acres currently zoned Agricultural Residential (AR-40) zoning district, to facilitate the proposed Melvin Farms residential development; and
- WHEREAS, the Board is concurrently reviewing an update to the Town of Lysander Comprehensive Land Use Plan, which advocates for use of the Incentive Zoning District as a means to facilitate sanitary sewer service on the Cold Springs Peninsula, among other items; and
- WHEREAS, the Board previously recommended Disapproval of a similar referral to apply the Incentive Overlay District to these lands, to build a total of 447 single-family residences (180 under AR-40 zoning) citing inadequate information to fully assess local impacts from the project; and
- WHEREAS, the Board previously offered No Position with Comment on concurrent referrals to amend the Town's Subdivision Regulations, Zoning Regulations, and Zoning Map (Z-15-142, Z-15-146, and Z-15-147), and on the Town's Draft Comprehensive Land Use Plan (CLUP) update (Z-15-25), and adoption of the Town of Lysander Zoning Map to include Incentive Zoning Overlay locations (Z-15-323); in its recommendations, the Board expressed concern about the costs of extending sewers and other publicly funded infrastructure assets into the proposed Incentive Zoning Overlay District, and emphasized that cost/benefits should be carefully weighed, town wide tax implications should be examined, and fiscal analysis should include the entire useful life of both local and regional infrastructure assets; the Board also noted strong public opinion favoring preservation of open space and farmland over residential development during plan outreach; and
- WHEREAS, the Incentive Zoning ordinance text, in its purpose and intent statement, notes "it is appropriate to make adjustments to permissible density and area requirements for specific purposes of preserving farmland and open space as well as to promote the extension of roadways, sewers and other such amenities"; stated objectives of the overlay zone include: A) preservation /enhancement of natural and cultural features; B) accommodation of uses and arrangements not contemplated in conventional zoning that would further land use conservation and development

goals of the Town; C) creation of usable open space, recreation lands and trails; D) preservation of farmland, scenic and water resources, environmentally sensitive areas, and habitats; E) provision of a more desirable environment than would be possible through strict application of existing zoning; and F) promotion of the general health, safety and welfare of the Town; adjustments to certain zoning requirements shall be considered in exchange for a specific community benefit or amenity that provides for the significant preservation of open space in a manner not otherwise allowed by Zoning Law and in excess of actions required to mitigate proposed development impacts; benefits or amenities are defined as parks, utilities, preservation of farmland or open space, and the preservation of cultural, historic, or other community facilities, “and/or cash in lieu of amenities for specific purposes identified”; incentives include changes to the permissible density, use, lot coverage, setbacks, height, floor area, or buffer areas; and

WHEREAS, a Letter of Intent (LOI) from the applicant dated April 5, 2023 was included with the referral materials, describing the details of the application; per the LOI, the project parcels are currently zoned AR-40 and would permit 172 residential lots, per a provided sketch plan; use of the Incentive Zoning Overlay, already on the land, would allow the development of approximately 590 housing units of different types, including: 134 senior apartments (age 50+, four 3-story buildings, 33 apartments each), 168 garden market rate apartments (24 buildings, 7 units each building, with garages, 2.5 stories), 105 market rate apartments (three 3-story buildings, 35 apartments each), 164 townhouses (configuration and own vs. rent to be determined), and 17 single-family lots; a clubhouse and swimming pool are also included; and

WHEREAS, the LOI indicates a solar farm is to be situated on 43 acres of the 100-acre parcel (noted as Lot 4), with approval pending from the Town Planning Board under AR-40 zoning regulations; the applicant notes “no zoning action is required for the solar farm from the Town Board, and the LOI does not apply to the solar farm.”; the referral materials received from the Town, however, do not mention any excluded acreage; and

WHEREAS, areas marked as Lots 6 and 7 in Exhibit 2 of the LOI are noted to be conveyed to and controlled by a land trust entity (entity not identified), and “Restrictions will be placed on the open lands to remain forever wild for non-vehicular recreational use (hiking, eg) by town residents through an environmental covenant that will run with the land.”; these Lots contain all or most of the wooded and encumbered lands on the site, including federal (15.8 acres) and state (22.2 acres) wetlands; a 15-acre strip of agricultural land along NYS Route 370 frontage currently has a conservation easement on, and is leased to and farmed by Abbott Farms; these easements are noted as secondary benefits from the Incentive Zoning application; and

WHEREAS, per the LOI, in return for increased density, as the primary community benefit, the developer would construct a sewer force main from the nearby Baldwinsville-Seneca Knolls Wastewater Treatment Plant to the site, construct a sanitary sewer pump station and gravity mains to serve the proposed development (extending to Hayes Road and NYS Route 370), and allow for the Town to expand the pump station and extend sewerage to other parts of the Peninsula, at the Town’s expense; the LOI notes that easements on adjacent lands for the sewer lines are still in negotiation and may require the Town’s use of condemnation at the Town’s expense, to acquire said easements; and

WHEREAS, the LOI notes potential Town sewerage goals for the Cold Springs Peninsula,

including: extending to the north approximately 0.6 miles to serve Palmer Elementary School, whose septic system needs replacement, to the north and east to serve existing developments which are equipped with dry sewers, and to the south and east to provide sewer service to undersized lots along the Seneca River; the LOI notes the pump station will originally be constructed with capacity for flow from the proposed project, an 800-student elementary school and 300+/- existing residential units within the Cold Springs West Sewer District (282,000 gallons per day); and

WHEREAS, a Concept Plan dated January 2023 shows the proposed configuration of development and roadways on the site; each type of housing would be clustered in distinct areas; new Town roads would be added which result in one new intersection along NYS Route 370 and 2-3 intersections on Hayes Road, a County-owned road; the 17-unit single-family portion would be on a cul-de-sac; the applicant has been coordinating with the New York State and Onondaga County Departments of Transportation regarding traffic impacts and requirements for the mitigation for the prior proposal for the site; a new state-funded traffic signal was constructed at the corner of Hayes Road and Route 370 in anticipation of the project, with additional mitigation to be provided by the developer; and

WHEREAS, additional materials provided information and agency reviews relating to archeological and historic resources (eligible properties: Melvin Farm, NYS Barge Canal Historic District, for which SHPO recommended mitigation; the site is also noted as being the location of a primary/principal aquifer; and

WHEREAS, the subject parcels, and other nearby lands on the Cold Springs Peninsula are enrolled in the NY Agricultural Districts program, including potential areas contemplated for future public sewer infrastructure by the Town; of the 292 acres comprising the site, approximately 183 acres contain active farmland (per EAF); 168 acres of farmland would be removed by the project, almost all of which contain soils of Prime or Statewide Importance; and

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board has determined that said referral will have no significant adverse inter-community or county-wide implications. The Board has offered the following COMMENT(S) in regards to the above referral:

The Board offers the following comments relative to the application of Incentive Zoning to the parcel, a sewerage strategy for the Cold Springs Peninsula, sewer infrastructure design and construction, transportation infrastructure coordination, and community design considerations for this project:

A. The purpose of Incentive or Amenity Zoning to increase density is to ensure that the amenity fulfills the Town's goals, which the CLUP adequately characterizes. The Town should ensure through this process that the amenity being offered is substantially adequate to provide a benefit for, and available to, as much of the town as practicable above and beyond any benefits of organic growth. Of specific note:

· As proposed, the sewer infrastructure being proposed and paid for by the developer primarily benefits the development, and appears to only marginally enable expansion of the system to the elementary school, a fixed number of households and limited additional lands;

- Setting aside lands that are largely constrained by New York State designated wetlands is good policy and design. However some of the land to be set aside would have been difficult to develop. The town should require the developer to show or describe the amenity these set aside areas will provide not only for this development but the town as a whole such as trails, playgrounds, interpretive facilities etc. The formal amenity benefit of setting aside these lands should be valued and considered. It may also be more beneficial for housing to encroach on these areas in order to incorporate more usable greenspace throughout the development ; and

- The proposed solar project should be judged on its own merits or impacts, and not assumed to be an amenity. The town's recent policy considerations and planning point to a need to protect prime farmland from solar installations where possible.

Ultimately the town should weigh the value of the limited amenities against the more than tripling of the density of the entire site. The amenity package should be clearly defined, and for a project of this size should provide benefits above what would otherwise be required, and directly benefit as much of the community as possible.

B. Prior to Town approval of any development project beyond what is currently proposed, the Onondaga County Department of Water Environment Protection (WEP) will require the Town to submit a comprehensive sewer area master plan to establish the anticipated sewer flows from this project and future development of the Cold Springs peninsula. This master plan should include timelines, affected properties, costs and financing strategies (for WEP, and individual homeowner connection costs) for connection to:

- Palmer Elementary School, and related housing accessing that Hicks Rd sewer line expansion;
- Parcels along the Seneca River shoreline (primarily Hayes Rd);
- Additional areas with dry sewers to the east (River Road, Doyle Rd); and
- Any other significant areas on the Peninsula, not covered above, and anticipated for development within the next 20 years.

The Onondaga County Department of Water Environment Protection encourages continued coordination on this significant infrastructure expansion effort.

C. For any sewer infrastructure to be constructed, WEP requires submission of engineer stamped plans and specifications for a sewer extension and capacity assurance review from WEP, the Onondaga County Health Department, and New York State Department of Environmental Conservation. Infrastructure must at a minimum be designed in accordance with Ten State Standards and all applicable Federal, State and local requirements.

The Onondaga County Department of Water Environment Protection further advises that the developer must convey ownership of newly constructed public sewer infrastructure to WEP upon the Engineer's final certification of installation.

All new sewer connections will require an Onondaga County licensed plumber to apply for a plumbing permit through WEP's Plumbing Control Division.

D. The New York State and Onondaga County Departments of Transportation require continued coordination regarding traffic and stormwater data, and requirements for mitigation. Approval of increased density on the site should reflect requirements of the respective Departments of Transportation.

E. The following comments relate to potential design considerations for a new community of this scale, with an eye toward ensuring that the proposed development will create a "great neighborhood", and fully integrate with the larger community:

- The plan shows housing divided into distinct segments, whereby integration of housing types throughout the development can avoid monocultures of housing types and segmentation of residents. A development of this type should also explore new housing types, including integrating workforce housing. Avoid garages as the primary visual element, or snout houses, along frontages. Consider organizing buildings with front entries on common greens and alleyways.
- Sidewalks and trails should connect different areas within the neighborhood are encouraged, as well as connecting to other nearby land uses such as transit stops, schools or other destinations.
- The Town is encouraged to explore how this development would enhance planning for a greenway trail along the Seneca River, including connection to the Village of Baldwinsville, and establishment of public access opportunities along the waterway.
- Regarding the dedicated open space resources, how will these areas serve the Town, will there be an assurance of a variety of community uses? The Town may wish to retain ownership of these lands, with a conservation-oriented covenant held by a land trust.



Martin E. Voss, Chairman
Onondaga County Planning Board

GML 239 Report of Final Action

NYS GML § 239-m.6. and n.6. require the referring body to file a report of the final action it has taken on a referred matter with the county planning agency within 30 days after the final action (separate from the minutes taken at the meeting). A referring body which acts contrary to a County Planning Board recommendation of MODIFICATION or DISAPPROVAL of a referred matter shall also set forth the reasons for the contrary action in such report.

This section to be completed by the Syracuse-Onondaga County Planning Agency

To: Onondaga County Planning Board **From:** Town of Lysander Town Board

Fax: 435-2439 **Phone:** 435-2611

Re: Applicant: Landmark Challenger, LLC
Address: at Hayes Road and Cold Springs Road
Referral Type: ZONE CHANGE
OCPB Date: April 26, 2023
OCPB Action: No Position With Comment
OCPB Case #: Z-23-112

The local board took the following action regarding the above referenced referral (Check one box. If checking Other, please specify the final action taken. Use the space at the bottom of the report to identify reasons if acting contrary to the OCPB recommendation.):

- Approved the proposed action with regard to the OCPB's No Position or No Position with Comment.
- Approved the proposed action as modified by the OCPB.
- Approved the proposed action contrary to some of the modifications recommended by the OCPB.*
- Approved the proposed action contrary to all of the modifications recommended by the OCPB.*
- Approved the proposed action contrary to the disapproval recommended by the OCPB.*

- Disapproved the proposed action with regard to the OCPB's no position or no position with comment.
- Disapproved the proposed action with regard to the recommended modification(s) by the OCPB.
- Disapproved the proposed action as recommended and for reasons set forth by the OCPB.
- Disapproved the proposed action as recommended but for reasons other than those set forth by the OCPB. (Please list reasons below for local disapproval.)

- Other _____

Local Board Date: _____

*List reasons for acting contrary to the OCPB recommendation and include a copy of the local board resolution. Attach additional reasons on a separate sheet of paper as necessary.

