

A Town Board meeting was held at Town Hall on February 4, 2021, in Baldwinsville, New York.

MEMBERS PRESENT: Robert A. Wicks, Supervisor
Peter Moore, Councilor
Robert Geraci, Councilor
Jeffrey Kudarauskas, Councilor
Roman Diamond, Councilor

MEMBERS ABSENT: None

OTHERS PRESENT: Dina Falcone, Town Clerk; Anthony Rivizzigno, Town Attorney; Al Yager, Town Engineer.

Supervisor Wicks called the meeting to order at 7:00 PM with the Pledge to the Flag.

Adoption of Minutes

RES#9/2021

Motion by Councilor Diamond seconded by Councilor Kudauraskas to adopt the January 21, 2021 Town Board Meeting minutes.

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Diamond	Aye		

All ayes, motion carried and adopted

PUBLIC HEARING TO AMEND THE TOWN OF LYSANDER CODE SECTION 320-32A (3)
TO INCREASE THE MAXIMUM LOT COVERAGE FROM
A MAXIMUM 30% TO A MAXIMUM OF 50%

MOTION TO OPEN THE PUBLIC HEARING

RES#10/2021

Motion by Councilor Moore seconded by Councilor Kudauraskas to open the public hearing at 7:03 PM.

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Diamond	Aye		

All ayes, motion carried and adopted

Comments:

Supervisor Wicks: *Is there anyone wishing to speak for or against the proposed local law?*

Kevin Rode: *This only applies to one property? Correct? In the town of Lysander perimeter?*

Mr. Yager: *Um no, we have an additional industrial zone parcel on the west side of road immediately south of the Church and Hencle intersection.*

Supervisor Wicks: *If you look at the map, right in the center of the map, the purple, there's – you can point it out – (to Mr. Yager looking at map)*

Mr. Yager: *This one and this one it would apply to – (pointing to the map) - this parcel is a junkyard that is already developed and this parcel is already developed, this is a parcel on the corner of 631 bypass and 31 here. But those are the only spots it applies to.*

Mr. Rode: *Okay, sewer and water connections to that property would be made?*

Mr. Yager: *At the expense of the developer.*

Mr. Rode: *Okay and with those, I don't know if this is a Planning Board issue, would these go past Church Road if sewer and water is brought down in there?*

Mr. Yager: *That is absolutely a Planning Board Issue, but it would be as you know the Town of Lysander future development or new development - is not funded by the town but is funded by developers. So, right now our current zoning is not conducive to having large scale residential subdivisions in that agricultural zone regarding this parcel.*

Mr. Rode: *Okay, and if sewer or water would be brought to that industrial park and County is fine with providing those services?*

Mr. Yager: *We are meeting with them tomorrow morning but at this point in time it looks like they are.*

Mr. Rode: *And I guess my other questions is, to change these two parcels, which nobody's done anything with, for many years, could someone apply for a Zoning Board variance or would this just be easier by taking care of these two properties by amending this?*

Mr. Yager: *I think the more concise way of doing it is to do it with a local law.*

Supervisor Wicks: *If you look at our surrounding towns, we want to be competitive with our surrounding towns in Onondaga County in order to bring a business into our town, so if you look at the Town of Clay, their building lot coverage is 60% and goes up to 75% - if there is industry on all sides - Town of Geddes is 60% Van Buren is 50%, Salina is 50%, and Town of Elbridge is 75%. So I would just inform you that today - I had a conversation - like in Batavia, apparently Samsung is looking to go in there and that's Batavia's one of three sites left that are in the running. We want to be in the running for those types of things and in order to be in the running for that we need to have larger lot coverage than we already do, just like all the other surrounding towns.*

Mr. Rode: *My next question just if we change this, would future boards be able to adjust it as an industrial zone on the other side of Church road, because now that corner is developed, or with that, it would stay...*

Mr. Yager: *The Town Board always has the option to go through the Zone Change procedure, and then maybe something they would choose to do simply because of the industrial acreage that we have.*

Supervisor Wicks: *But, we have a Comprehensive Land Use Committee that has a number of residents that represent a pretty good cross section of the community that are looking at those type of things you are talking about right now, so what we would do is take a look, I mean hopefully any Town Board, I mean we will take a look at what the CLUP is suggesting, and use those recommendations in any type of decisions we would make moving forward.*

Mr. Rode: *Okay. I know it's currently been used for farming, agricultural for years, CLUP even though it's zoned some are industrial and the soil samples have been done is it good land? Is it better off being created industry?*

Supervisor Wicks: *Well that's been an industrial designated industrial area and when we were talking since 1968, right Ms. Falcone? When we were looking, 1968...*

Mr. Rode: *Well I understand that but the change in demographics to that area. That by allowing ultimately if this gets approved tonight something will probably be done with that.*

Supervisor Wicks: *That is what we are hoping because that property has been designated as industrial for decades, and nobody has been able to build on it, I imagine, for one reason or another - not been able to but decided that they didn't want to. Now we want to make sure we are competitive with the other towns and would like to bring in some type of industry in the area because we'd like to increase our tax base in some way. Residents don't want to keep paying increased revenues and that's one way we can help mitigate any tax increases moving forward. We only have two small, well, they are not small, two portions of industrial area designated, so it's not like we are taking up the whole town where it would become an industrial park. The whole Town of Lysander.*

Mr. Rode: *No. I do understand that, but as it stands, you know, if something gets built there, there isn't something right around the corner like a lot of other industrial areas where if it's someplace that employees, hundreds of people, they need to go somewhere for lunch, so maybe that opens up across the street, somebody applies to the Town Board and wants to change something that was agricultural to industrial, or a different zone to allow McDonalds, or fast food, or something along those lines. And then you start pushing development into areas that might have done better agriculturally, but I understand we have the CLUP and I think it's been limited because of the 30% rule has probably turned a lot of other businesses away from wanting that's all. I mean the 30% rule was out there for a reason. To limit development.*

Supervisor Wicks: *And we couldn't find that and we tried to find out why that was done, because prior to, I think it was 1988, that was established as 50% lot coverage, then for some reason was changed, but we can't find that. We couldn't find it. Our Town Clerk was researching that – we couldn't find it in our archives up until now, it wasn't on the state website where it's supposed to be when they changed that, so right now, we don't know what happened or why they did it. But, moving forward, that was a decision made in the 80s. I think moving forward we have to look at contemporary issues and determine if that is what we want to do today.*

Mr. Rode: *Okay thank you.*

Chris Cullen: *I live nearby there and you guys are proposing 50% for a large warehouse. I live on the [corner] you guys are planning on making development and turn that whole land to - asphalt - big building, Have you guys looked into changing - adding water down 48? Because you are going to change the water table on that. The geographics of where the water is heading - so I now have problems because you guys have a business on the other corner - a storage facility, I ran out of water I am at the lower end of that hill, I'm worried now, I'm going to get salt in my water if all asphalt is there, salted in wintertime and summertime rain, you know, and you know the ground, have you guys looked into adding water down 48 for the people who live in that area?*

Supervisor Wicks: *The answer to your question is not since I have been here. I can't speak to what the previous Town Boards have done, I don't know.*

Mr. Yager: *There was a proposed water district in your neighborhood, that didn't appear to have public support to extend water out to 48.*

Mr. Cullen: *Yeah, that was all the way down 48 - Lamson, and backs on to Phoenix... (Inaudible) I'm talking about changes in building... (Inaudible) warehouse - right there on Hencle and 48. I live right down the road, there's five houses right there, you guys considered looking at that? We are all on well back there.*

Mr. Yager: *It is part of the planning Board review process we will certainly look at that as part of the SEQR review requirements.*

Mr. Cullen: *Okay, that's the only question I have. I don't mind a business, more development will help out the economy - and I am for it, I'm just concerned about my well.*

Mr. Yager: *Understand.*

Supervisor Wicks: *As Mr. Yager said that's all part of the Planning Board's process they look at all of that. There's wetlands back there too, so they have to make sure that they mitigate any of those issues. Correct me if I'm wrong but that's part of the process when you have wetlands in the back and that whole area is covered by wetlands, so where you're at, that should be mitigated when the builder comes in, to make sure that doesn't happen. That's part of the SEQR process. Anyone else?*

Cindy Clarke: *Do we have a timeline? I mean obviously there is somebody that you have in mind here? Do you know about when, or how many jobs, that type of thing?*

Supervisor Wicks: *Well we don't have anybody that has given a proposal for that property yet. But, so, I really don't want to speak on what the timeline is. But we certainly want to make it a viable location for somebody to come in and utilize that. Anyone else? How about from the Board? Some people on the Board might want to speak...*

Councilor Geraci: *Is it, I mean, I was going to speak as it came up as a resolution to vote or I don't care when I speak.*

Supervisor Wicks: *We can do that.*

Councilor Geraci: *I'll just wait till then.*

Supervisor Wicks: *Alright if there's nobody else...*

MOTION TO CLOSE THE PUBLIC HEARING

RES#11/2021

Motion by Councilor Diamond seconded by Councilor Kudauraskas to close the public hearing at 7:15 PM.

Supervisor Wicks	Aye	Councilor Kudauraskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Diamond	Aye		

All ayes, motion carried and adopted

Citizens Comments

Kevin Rode of Greymoor Way asked about the rate of pay for an employee. **Supervisor Wicks** said it was an oversight from the organizational meeting. Mr. Rode asked about the status of the ‘house tear down’ on Smokey Hollow Road. **Supervisor Wicks** said TOL is waiting for the grant to come through. He said it is still moving forward. **Mr. Yager** said they spoke with Senator Mannion and his office is working with the Dormitory Authority to get the grant. Mr. Rode asked about the employees forming a union, and if that was moving forward. **Supervisor Wicks** said they are in negotiations. Mr. Rode also asked about the WEP presentation specifically inflow and infiltration. He mentioned separate stormwater, and asked if TOL falls into that. **Mr. Yager** said TOL does in that some places there are issues. He said the Village of Baldwinsville has some significant issues, which is just a result of the age of the sewers. The sewers in VOB are much older. 92% of our sewers are PVC and we don’t have a big inflow and infiltration problem. Our sewers will be old sooner rather than later. Rather than having the entire county contribute to the maintenance rehabilitation effort we will benefit the local residents in TOL. Sewer discussion ensued regarding dry sewer service, consolidation and sewer repairs.

Department Head Reports

Ms. Falcone stated that Timber Banks and Tassone’s renewed their liquor licenses for the year.

Regular Agenda Items

MOTION TO ADOPT LOCAL LAW AMENDING TOL CODE SECTION 320-32-A(3)

RES#12/2021

Motion made by Councilor Kudauraskas seconded by Councilor Diamond to adopt Local Law No. 1 of 2021, amending the Town of Lysander Code Section 320-32A (3) to increase the maximum lot coverage from a maximum 30% to a maximum of 50%.

Supervisor Wicks	Aye	Councilor Kudauraskas	Aye	Councilor Geraci	No
Councilor Moore	Aye	Councilor Diamond	Aye		

Councilor Geraci: I have some concerns about this resolution, and I want to thank Kevin Rode for taking some of the words out of my mouth and so I’ll just reiterate what Mr. Rode had to say. I’m sitting here in 2021 wondering why the Town of Lysander in its predecessor’s wisdom changed it, or kept it at 30%, and without a lot of discussion because for the economic benefits we are anticipating with the new tax dollars we are about to change it just like everybody else did apparently in Onondaga county or trying to mirror what other towns are doing in the county going from 30 to 50. I know other towns that are bigger than that. But my concern is are we opening potentially a Pandora’s Box? What was the reason for 30%? Maybe the reason for 30% was the Town didn’t want to see a massive warehouse, or some construction of that type in that community – that area – and at a 30% perimeter you would be limited to how big an area – a building you could build and precisely why the Town of Lysander had the 30%, and what the 30% would in fact continue to dictate in terms of how big a building would be there. And then secondly, I do worry about precedent. I worry about that building is there, and those two hundred or three hundred employees are going to want to get a cup of coffee or go out to lunch across the street is not zoned commercial or industrial and there’s nothing to stop anybody coming to the Planning Board, I forget what the protocol is or the Town Board ad we’d like to put a McDonalds there to serve all those folks there and all the sudden you start changing the character of the TOL. And, I don’t think I’m the sole voice in saying this but TOL has a certain feel and a certain look that I am leery in weary of saying that “well, the 200 or 2300 jobs and all those new tax dollars they outweigh everything.” In my mind they don’t - and if anything - and then I heard today, and this was the first and thank you back there because I don’t know your name. What about well water? What about the five or six residents who live around there? If we vote on this, I don’t want to

guarantee that we will be aloof to those concerns, but I worry about what will happen to the water table. And I didn't know that was an issue, and it seems to me all of those things ought to be worked out before we come to this board and say "change it from 30 to 50". I want to know for sure that we are not going to have to worry about development requests for across the street or even for further into the agricultural area of the Town of Lysander, and that's why I can't support this tonight. I just can't, and that's my position at this point. And I'm hoping, I don't know what the protocol is, but if you've got something to say in retort to what I just said, I'm more than happy to hear it but I'm hoping I am making the right decision.

Councilor Diamond: Mr. Supervisor, I'd like to - my position as well. I share Bob's opinion on overdevelopment in the town. I think one of the greatest things about the Town of Lysander is that we have a rural agricultural feel. I joke with people - we are 15 minutes away from Wegmans but don't have some of the same traffic our neighbors have. While I say that, and my voting record has been very clear since I've taken office. I think that this is a great opportunity. We need to be encouraging businesses into this community. We don't have businesses lining up in the town. I wish we did, but can only think of a handful that have really come in since I've been in office. Raising the capacity from 30% to 50% I don't think it's the end of the world but I do think that those potential 300 jobs can do a lot for this community. It's definitely going to do a lot for those 300 people that are looking for work. We are in a pandemic right now. People are hurting to find work, and if we can offer 300 people a job, I think that's a huge benefit. I don't have a problem supporting this. I understand that there are concerns. I know Planning Board will do a thorough job but I also think that there are times when there can be paralysis by analysis so I have no problem by supporting this tonight.

Councilor Kudarauskas: I'm in favor of this.

Councilor Moore: I can add to this. For starters I had similar questions to Bob, as you know, why was this originally set up at 30%, or actually why did it go to 50% to 30% so I want to thank Ms. Falcone for doing a little research and trying to find out - unfortunately we don't know.

Ms. Falcone: Actually, Karen Rice also did research and Al too. All of us did.

Councilor Moore: Thank you Al and Karen. But that being said. We don't know why. And there are a lot of 'what-if' scenarios. We go through and we all, every one of us - I know Bob Geraci realizes, we all hope we are making the right decision but we don't always know. In this situation, I don't see this as being a scar on our town, if I did then I would definitely vote no. But at this point, the way our town is currently set up with our CLUP in place, the way the CLUP is in place, with the agricultural land protection in other ways, this particular change I support.

Councilor Geraci: I have an additional question. With 100 foot setback which the code book requires, correct? How tall of a building could be erected on that side.

Jack Corey: Just for clarification, that 100 foot is the minimum setback; the Planning Board has discretion to have further setbacks, it's just the minimum.

Councilor Geraci: Well I don't know what the Planning Board is going to do Jack. I don't mean to sound discourteous and you know me better than that, but with every setback is negotiated how tall of a building can be put on site?

Mr. Yager: The current code reads as a 1 to 1 angle, or 45 degree pitch from the road to where the setback line is that would be the highest a building could be, so if 100 foot it would be a 50 foot tall building. That's the long and short of it. Would be the maximum.

Councilor Geraci: So it's about three times the size of a regular house. The height of a regular house. So a square-ish type building three times the size of a regular house could be on that corner.

Mr. Yager: Or higher - I mean they can go to the ZBA and ask for a variance. I mean, that is certainly allowed under our code, and I'm sure the ZBA would consider a variance like that.

Councilor Geraci: So it's potentially even higher than 50 feet. And I guess that's all part of my concern. I mean we are opening up the floodgates here if we pass this and I guess we are going to pass it - but we don't know what's going to be there at a minimum if I was the developer and I was building a warehouse I'd want to build a big of a warehouse I could possibly build on that site because you're not building again you're building once. And maybe if anything, my words, I'll be outvoted, my words will just convey to the Planning Board will you just be careful here and that visual and site lines and all of that are really important. And there's no promises that can be made with what future petitions are sent to the Board or Planning in terms of variance for changing zoning beyond that particular corner. But this is what happened in so many other towns in Onondaga County.

You know the little store turned into the McDonalds which turned into this and this and that and that's when you drive down 31 in Clay that's what you see. And I just don't want to see that in the Town of Lysander. I'll be a broken record if I keep talking.

Supervisor Wicks: If you get this, it isn't like sixty years ago when our grandparents went to work and they had a lunch pail and brought their lunch with their soup and their peanut butter sandwich, most people today they order out, so we have a business district in the Village that we want to keep vibrant. I think most people like going downtown here; it's a nice community, it's vibrant and we want to keep it that way. If we have additional several hundred jobs at a facility where are they going to buy their lunches? Where are they going to get their dinners? They are probably going to order. They are probably not going to order from McDonalds because we have some nice restaurants in the Village. In fact, all of the restaurants in the Village. We have Italian, now we have Mexican. There's all types of restaurants that they can frequent right now. So there's really no need to get anything else other than what we already have, it's just down the road, so that will stimulate those businesses down there. On top of that, there's probably be people in the Town of Lysander that could use a decent paying job. So, it would help the local economy and help the local residents maybe find a job that they didn't already have. If you look at that map, two thirds of it right now is totally green. I don't see that changing any time soon. It just isn't going to happen. The development isn't there – so in my lifetime that's probably going to look that way. So there's no way we will become a Clay and Cicero. Because Clay and Cicero doesn't look anything like that so as far as keeping what we currently have to put a business or any type of industry on there we are not opening Pandora's box, all we are doing is allowing a more wider variety of businesses that could be attracted by that property being enhanced.

**MOTION TO AUTHORIZE THE TOWN SUPERVISOR TO SIGN
THE POLLING PLACE AGREEMENT BETWEEN TOL AND ONONDAGA
COUNTY OFFICE OF THE BOARD OF ELECTIONS**

RES#13/2021

Motion made by Councilor Moore seconded by Councilor Diamond to authorize the Town Supervisor to sign the Polling Place Agreement between the Town of Lysander and the Onondaga County Office of the Board of Elections. The agreement is for a five year term.

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Diamond	Aye		

**MOTION TO APPROVE THE 2021 HOURLY RATE
FOR CINDY HALSTEAD AT \$16.67 PER HOUR**

RES#14/2021

Motion made by Councilor Diamond seconded by Councilor Moore to approve the 2021 hourly rate for Cindy Halstead at \$16.67 per hour.

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Diamond	Aye		

**MOTION TO SET THE PUNCH LIST REQUIREMENT
FOR THE WHISPERING OAKS PHASE IV SECTION 2 SUBDIVISION AT \$36K**

RES#15/2021

Motion made by Councilor Moore seconded by Councilor Kudarauskas to set the punch list security requirement for the Whispering Oaks Phase IV Section 2 subdivision at \$36,000 per the Town Engineer's letter dated January 29, 2021.

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Diamond	Aye		

**MOTION TO SET THE REQUIRED MAINTENANCE GUARANTEE FOR THE WHISPERING
OAKS PHASE IV SECTION 2 SUBDIVISION AT \$98,550**

RES#16/2021

Motion made by Councilor Moore seconded by Councilor Diamond to set the required maintenance security guarantee for the Whispering Oaks Phase IV Section 2 Subdivision at \$98,550, 25% of the project value, per the Town Engineer's Value of Improvements estimate included in his letter dated January 29, 2021.

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Diamond	Aye		

All ayes, motion carried and adopted

Discussion:

Mr. Yager advised that the developer has completed installation of the roads and utilities. He will be coming back to the Planning Board for final plat approval.

ADJOURNMENT INTO EXECUTIVE SESSION

RES#17/2021

A motion was made by Councilor Geraci and seconded by Councilor Diamond to adjourn the Town Board Meeting at 7:35 PM and enter into Executive Session to discuss the status of negotiations.

ADJOURNMENT OF EXECUTIVE SESSION

RES#18/2021

A motion was made by Councilor Kudarauskas and seconded by Councilor Diamond to adjourn Executive Session at 8:37 PM.

This is a true and complete recording
of the action taken at this meeting.

Dina Falcone, Town Clerk