

A Regular Town Board meeting was held on June 16, 2022, at Lysander Town Hall, 8220 Loop Road, Baldwinsville, New York.

**MEMBERS PRESENT:**

Robert A. Wicks, Supervisor  
Robert Geraci, Councilor  
Peter Moore, Councilor  
Jeffrey Kudarauskas, Councilor  
Kevin Rode, Councilor

**MEMBERS ABSENT:** NONE

**OTHERS PRESENT:** Dina Falcone, Town Clerk; Anthony Rivizzigno, Town Attorney; Kevin Merrill, Parks and Recreation Director, Al Yager, Engineer, and several guests and residents.

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

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Adoption of Minutes

RES#81/2022

**Motion by Councilor Moore seconded by Councilor Geraci to adopt the June 2, 2022 Town Board Meeting minutes.**

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Rode	Aye		

**All ayes, motion carried and adopted**

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Citizens Comments

Several residents from Hayes Road attended the meeting to talk about the parked cars blocking the road as a result of the events at 3642 Hayes Road (Tiki Bar). **Liz Schmidt** of 3695 Hayes Road came with a prepared statement and spoke about several problems such as parking, noise, littering, alleged code violations, and other issues that stem from the Tiki Bar. The letter from Ms. Schmidt is attached to these minutes. **Pam Sebastian** of 3682 Hayes Road spoke regarding the same issues.

**Gene Dinsmore** of Highland Drive agreed with the Town Engineer (regarding purchases of vehicles) in that the elderly vehicles need to be replaced. He said the 2008 backhoe should go, and there is a 2011 payloader, which is crucial during snow removal. He said there are more vehicles on the agenda that cannot be put off year to year. Mr. Dinsmore also said that there are more roads that need to be worked on off of Cold Springs Road. He suggested they need more work than just oil and stone.

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Town Board Comments

**Councilor Moore** addressed the comments from the citizens and stated that anytime the Board acts, it requires spending taxpayers' dollars. He said it is like a balancing act. There are people who are experiencing hard times. The Board is trying to be as frugal as possible so they can get their jobs done.

**Councilor Moore** stated that he is grateful that no one was hurt at the incident at the park. He said it is the Board's job to make sure nothing like this ever happens again. **Councilor Moore** congratulated the Boys and Girls Lax teams on their state title.

**Councilor Rode** thanked the residents of Hayes Road for attending, and he also spoke about the incident at the park and said that the Board is looking into rectifying the issue.

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Supervisor's Comments

**Supervisor Wicks** said that he was unaware of the issues happening at the Tiki Bar. He said he would look into them as soon as possible. He said he would contact the owner. He noted that there is a process for issues such as these. **Supervisor Wicks** spoke about the phone calls he has been receiving regarding assessments and taxes. He will address assessment issues in a future meeting.

**Supervisor Wicks** stated that it is Mr. Yager's job to promote roads and sewers, etc., but the Board needs to be financially responsible, as they have to maintain a cost for a certain level of service, including how much it costs to operate the town. He said they need to be conservative. **Supervisor Wicks** said that the roads are 'okay' and we do need to take care of them. He said we have never experienced such an economy, but he will not raise taxes. **Supervisor Wicks** stated that he was glad no one got hurt at the park.

**Department Head Reports**

**Kevin Merrill, Parks and Recreation Director** mentioned the incident at the park, and that he and the Supervisor are working on a solution for safety. He spoke about the pavilion and community room rentals and that Ms. Starr has been instrumental in assisting customers with rentals. Gems + begins June 28, and the camp is full. Pickleball for kids is underway and it offers basic instruction while allowing beginners to learn the game. Kickball registration has begun and all of the information is available on the website, including the forms for registration. September 30<sup>th</sup> is the campout which will be sponsored by the Syracuse Astronomical Society. People can register online, and the cost is \$5 per person. The Summer Concert Series begins June 28 with the Baldwinsville Pep Band. The spray park has been busy despite a few minor issues.

**Regular Agenda Items**

**MOTION TO HOLD AND ADVERTISE FOR A PUBLIC HEARING TO AMEND VTL 295-28 INSTALLATION OF NO PARKING SIGNS .5 MILES FROM NYS ROUTE 370 INTERSECTION TO 3653 HAYES ROAD**

**RES#82/2022**

**Motion made by Councilor Geraci** seconded by **Councilor Moore** to hold a public hearing on July 14, 2022 at 7:00 PM in Lysander Town Hall for a proposed Local Law to Amend Vehicle and Traffic Law Section 295, Article IV §295-28 relative to the installation of "NO PARKING" signs .5 mile from the NYS Route 370 intersection to 3653 Hayes Road.

Supervisor Wicks           Aye   Councilor Kudarauskas           Aye   Councilor Geraci           Aye  
Councilor Moore           Aye   Councilor Rode                                   Aye

**All ayes, motion carried and adopted**

**MOTION TO WAIVE FIREWORKS PERMIT FEE FOR THE 2022 FOUNDER'S DAY CELEBRATION**

**RES#83/2022**

**Motion made by Councilor Kudarauskas** seconded by **Councilor Rode** to waive the fireworks permit fee in the amount of \$300 for the Founder's Day Celebration at Kerri Hornaday Park in Radisson, to be held on Saturday, August 6, 2022. (Rain date Sunday, August 7.)

Supervisor Wicks           Aye   Councilor Kudarauskas           Aye   Councilor Geraci           Aye  
Councilor Moore           Aye   Councilor Rode

**All ayes, motion carried and adopted**

**MOTION TO AUTHORIZE THE TOWN SUPERVISOR TO SIGN THE 2022 SUMMER CONCERT SERIES AGREEMENT**

**RES#84/2022**

**Motion made by Councilor Kudarauskas** seconded by **Councilor Moore** to authorize the Town Supervisor to sign the Intermunicipal Agreement for the 2022 Summer Concert Series.

Supervisor Wicks           Aye   Councilor Kudarauskas           Aye   Councilor Geraci           Aye  
Councilor Moore           Aye   Councilor Rode

**All ayes, motion carried and adopted**

**MOTION TO APPOINT MATT HUNT TO THE LYSANDER PLANNING BOARD**

**RES#85/2022**

**Motion made by Councilor Geraci seconded by Councilor Kudarauskas** to appoint Matt Hunt to the Lysander Planning Board effective July 1, 2022, with a term to expire 12/31/2026. *This appointment replaces William Lester.*

Supervisor Wicks                    Aye    Councilor Kudarauskas                    Aye    Councilor Geraci                    Aye  
Councilor Moore                    Aye    Councilor Rode                    Aye

**All ayes, motion carried and adopted**

**MOTION TO APPOINT ROBERT SWEET TO THE LYSANDER ZONING BOARD**

**RES#86/2022**

**Motion made by Councilor Moore seconded by Councilor Rode** to appoint Robert Sweet to the Lysander Zoning Board effective July 1, 2022, with a term to expire 12/31/2026. *This appointment replaces Matt Hunt.*

Supervisor Wicks                    Aye    Councilor Kudarauskas                    Aye    Councilor Geraci                    Aye  
Councilor Moore                    Aye    Councilor Rode                    Aye

**All ayes, motion carried and adopted**

**TABLED**

**Motion made by \_\_\_\_\_ seconded by \_\_\_\_\_** to declare a SEQR negative declaration for the 2846 Belgium Road Cell Tower Height Extension Special Use Permit and authorize the Town Supervisor to sign Part III of the FEAF for the project. (Town attorney to prepare formal resolution language).

**MOTION TO HOLD AND ADVERTISE FOR PUBLIC HEARING FOR THE PROPOSED CELL TOWER EXTENSION AT 2846 BELGIUM ROAD SPECIAL USE PERMIT**

**RES#87/2022**

**Motion made by Councilor Rode seconded by Councilor Kudarauskas** to hold a public hearing on July 14, 2022 at 7:00 P.M. in Lysander Town Hall for the proposed cell tower extension located at 2846 Belgium Road Special Use Permit. This motion shall authorize the Town Clerk to advertise for same.

Supervisor Wicks                    Aye    Councilor Kudarauskas                    Aye    Councilor Geraci                    Aye  
Councilor Moore                    Aye    Councilor Rode                    Aye

**All ayes, motion carried and adopted**

**ADJOURNMENT INTO EXECUTIVE SESSION**

**RES#88/2022**

**A motion was made by Councilor Geraci and seconded by Councilor Moore** to adjourn the regular Town Board Meeting and enter into Executive Session to discuss a specific employee's work history at 7:50 PM.

Supervisor Wicks                    Aye    Councilor Kudarauskas                    Aye    Councilor Geraci                    Aye  
Councilor Moore                    Aye    Councilor Rode                    Aye

**All ayes, motion carried and adopted**

**ADJOURNMENT OUT OF EXECUTIVE SESSION**

**RES#89/2022**

**A motion was made by Councilor Kudarauskas and seconded by Councilor Moore to adjourn Executive Session at 8:30 PM.**

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Rode	Aye		

**All ayes, motion carried and adopted**

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

Dina Falcone, Town Clerk

## **Issues with Winds of Cold Springs Harbor Marina**

Edward and Elizabeth Schmitt

3695 Hayes Road

Town of Lysander Board Meeting, Citizen Comment

6.16.2022

I am Liz Schmitt, and with my husband, Ed, I have lived at 3695 Hayes Road for over 25 years. We have long enjoyed the quiet neighborhood and the beauty of peaceful summer nights, but the expanding and escalating activities of the Winds of Cold Springs Harbor Marina bar in the summer months have made this impossible and infringe on the peaceful enjoyment of our property.

Since the change of ownership of the marina in 2009 and the liquor license obtained in 2014, the facility has added multiple nights of live music, and the activities of this bar have led to increased noise, trash and traffic to this neighborhood.

### **Zoning and Code enforcement**

According to the current Onondaga County assessment documentation, the property at 3642 Hayes Rd is listed as a marina ONLY.

In addition, it has the zoning code NR-BD or Neighborhood Residential Business District. According to Article X:

*“This district is intended to permit **limited** retail, personal and office uses within residential areas. Within this district, business uses of a size, appearance and type which are **compatible with residential uses** may coexist in close proximity with dwellings.”*

The scale of the bar and live music activities of the marina are not compatible with the surrounding residences.

Furthermore, the zoning category prohibits

“Detached accessory buildings on lots used primarily for nonresidential purposes.” We believe this should include the music stage in this outdoor bar. [Article X, § 320-23, D(2)]

And [F(6)] asserts that

“Exterior noise and odors shall be minimized. Exterior speakers shall not be permitted or used without the specific approval of the Planning Board.”

We are here to say, without equivocation, that exterior noise is NOT minimized. And the use of exterior speakers should have never been approved if they even were approved.

In recent years the marina received a permit to expand with a deck, despite the lack of parking. It is not clear why code enforcement continues to allow expansion with documented parking issues that impede the passage of emergency vehicles. This includes the fire department rescue boat located at the Seneca River Boat launch.

Use of the DEC license-funded public boat ramp parking area by the bar patrons, impedes the ability of boaters to use the facility.

#### **Noise and Nuisance**

- The bar and music portion of this business has expanded in size and days of the week over time. It has expanded to weekdays and afternoons. We get no break.
- Even with a closed-up house, we can hear music and the house sometimes shakes from the bass. Our home is ¼ mile from this bar.
- Under the noise ordinances this bar disturbs our peaceful enjoyment of the property, and this is prohibited under chapter 202-5 of the noise ordinance. Furthermore, the music often does not stop at 10 pm and can be heard, in our home, after this time, affecting our ability to sleep.
- The bar traffic includes very noisy motorcycle traffic, especially late at night after the cessation of live music.
- The mornings after live music there is always trash in our yard.

#### **§ 202-5 Unnecessary noise enumerated.**

The following are declared to be unnecessary noises and a violation of this chapter, but this enumeration shall not be deemed to be exclusive:

- A.** The operation of any sound device, sound apparatus or any other source of sound in such a manner as to create a sound level which exceeds 70 dBA between 7:00 a.m. and 10:00 p.m., prevailing time, or 60 dBA between 10:00 p.m. and 7:00 a.m., prevailing time, when measured at any adjoining property line nearest the sound source.
- B.** ~~The creation of sound which tends to injure, alarm, annoy, harass or disturb the peace or enjoyment of property occupied by another person of normal sensibilities.~~
- C.** The use or operation of any radio, television, phonograph, tape or CD player, musical instrument or other machine or device for the producing, reproducing or amplification of sound in such a manner and with such a volume as to annoy or disturb the quiet, comfort or repose of reasonable persons of normal sensibilities outside the property line of the property where the sound source is located. ~~It shall be prima facie evidence of a violation of this chapter under this subsection if sound emanating from such a machine or device is audible inside a fully enclosed structure (with windows, doors and other openings closed) used for dwelling purposes and located beyond the property line of the premises upon which the sound source is located between the hours of 10:00 p.m. and 7:00 a.m.~~

### Concerns over local governance response

We are alarmed by the appearance of special treatment for this establishment in several areas. This includes the

- The allowing of a bar and live music with exterior speakers facing homes in NR-BD zoning
- Granting of a deck permit in 2021 to expand the business further despite a demonstrated lack of parking.

The assessment of the property is a huge red flag. This property was purchased (paid off) on 4/19/2018 for \$450,000. It is currently assessed for \$322,000, up from \$320,000 in 2021. The assessment only classifies this commercial property as a marina. Not a restaurant. Not a bar. Not a live music venue. If the property sold for \$450,000, that is the market value and the assessment should reflect this. This does not even include the value added by the bar/music venue. Even with this favorable assessment, the tax bill is not getting paid. Onondaga County records, as depicted on 6/14, indicate this property to be delinquent by over \$50,000.

#### OWNERSHIP INFORMATION

Tax Map Number	Owner Name	Mailing Address
313689064-03-20.0	WINDS OF COLD SPRING HARBOR.	3208 HOWLETT HILL RD CAMILLUS, NY 13031

#### PAYMENT INFORMATION

DELINQUENT TAX - Select the years you wish to pay.

Select to Pay	Year	Base Tax	Penalty	Other Fees	Current Total Due	Applied Amount
<input checked="" type="checkbox"/>	2022	\$10,862.98	\$760.40	\$0.00	\$11,623.38	11623.38
<input checked="" type="checkbox"/>	2021	\$9,058.83	\$814.89	\$0.00	\$9,873.72	9873.72
<input checked="" type="checkbox"/>	2020	\$11,462.45	\$2,406.15	\$0.00	\$13,868.60	13868.60
<input checked="" type="checkbox"/>	2019	\$12,613.88	\$4,160.93	\$360.00	\$17,134.81	17134.81

TOTAL PAYMENT:  
(Service fee not included) \$52,500.51

In comparison, our home has been re-assessment annually upwards every year in the past five years alone, despite a lack of sales data that would confirm market value. And we have never been delinquent in 25 years.

So, let's be clear. Mark Bragman and his establishment have received a HUGE amount of leeway in building permits, zoning exceptions and noise complaints from a government he does not financially support. Instead, the actual taxpayers of this neighbor are victimized by his establishment.

### ***What we want***

We come here tonight to ask the town to consider the impact of this business and its expanding, escalating behaviors on the residents of the neighborhood, many who pre-date the conversion of the marina to a bar/entertainment venue in the summer months. This includes

- Enforcement of noise ordinances and zoning with full appreciation of the impact on the residential part of the mixed-use category.
- Fair assessment of the property and collection of back taxes in fairness to other residences and businesses that are paying their fair share for the operations of the town and school district.
- Limiting occupancy and expansion to match available off-road parking
- Protect the public boat launch from private business appropriation. The Winds of Cold Springs Harbor should NOT be profiting from the publicly funded launch and parking lot next door in ways that limit its intended use.

This neighborhood is a modest middle-class neighborhood of hard-working voters, some of whom have called this home for decades, including a Vietnam veteran and 9 volunteer firefighters, who respond to the 911 calls from the bar despite the fact that the owner is not financially supporting the fire department.

We may not be connected or influential, but we are asking you, our elected representatives and public servants, to do right by us. My husband and I raised two sons in our home with values of respect for others and civic engagement. The oldest embodies these values as he defends this nation as an Apache pilot and officer in the US Army. We pay our taxes on time to support the functions of local governance and educate the children of this community. It is households like ours that form the backbone of a community. Please take our concerns seriously.



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Ad Content Proof

**TOWN OF LYSANDER -**  
NOTICE OF PUBLIC  
HEARING. CANCELLA-  
TION PLEASE TAKE NO-  
TICE that the public  
hearing scheduled for  
Thursday, June 16,  
2022 at 7:00 PM at the  
Town of Lysander  
Town Hall, 8220 Loop  
Road, Baldwinsville,  
New York, to amend  
Chapter 295 of the  
Lysander Town Code  
entitled "Vehicle and  
Traffic" relative to the  
installation of traffic  
"NO PARKING" signs on  
Hayes Road HAS BEEN  
CANCELLED. A new  
public hearing will be  
rescheduled. Dina  
Falcone, Town Clerk